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MEMOIRS

OF THE

HISTORICAL SOCIETY

OF

PENNSYLVANIA.

VOL. IV. PART I.

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OFFICERS

OF THE

HISTORICAL SOCIETY OF PENNSYLVANIA,

FOR THE YEAR 1840;

Elected on the evening of the First of February.

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AN

INAUGURAL DISCOURSE,

DELIVERED

ON THE THIRD OF JUNE, 1837,

BEFORE THE

HISTORICAL SOCIETY

OF

PENNSYLVANIA.

BY

PETER S. DU PONCEAU, L. L. D.

President of the Society.

At a meeting of the Historical Society of Pennsylvania, held at Philadelphia, on the 3d of June, 1837. It was *resolved*, That the thanks of the Society be presented to the President for his interesting and instructive discourse pronounced this day, and that he be requested to furnish a copy for Publication.

J. R. TYSON, Secretary.

INAUGURAL DISCOURSE.

GENTLEMEN OF THE HISTORICAL SOCIETY,

The honour you have done me, by selecting me as the successor of our lamented William Rawle, claims a tribute of gratitude at my hands. To succeed such a man is no easy task; I see many around me, who might have performed it with more ability, none with more zeal. Zeal is all I have to offer you; your choice has shown that you know how to appreciate it, since I cannot find elsewhere the motive of your preference.

I shall not undertake to expatiate here upon the merits of your late President, who was the first to fill this honourable office, and may justly be called the father of our Society. This task has been performed by another and an abler hand; still I cannot refrain from paying a tribute of some kind to his memory; and this, I think, cannot be more appropriately done, than by taking a brief review of the acts of our Society under his presidency, during the twelve years of its existence. If those acts do honour to this Institution, and to the Members who compose it, it must not be forgotten that we were animated by the spirit of him whose loss we deplore. We have nothing to do but to pursue the course he has pointed out, and which we have until now successfully followed.

I feel a sensible pleasure in looking back upon what our

Society has done, during the short period that has elapsed, since its foundation.

It is not to be estimated by the number of volumes that we have published; the publication of books was not our only, nor indeed our principal object; and when we consider with what views this Society was formed, and for what purposes it was instituted, I think we have cause to congratulate ourselves on the success which our efforts have met with.

Our Constitution points out the following as the objects of this Society.

1. To collect and preserve the evidences of our history from the earliest dates, and to repair as much as possible the injuries which the early history of Pennsylvania has suffered from the inattention of our predecessors.

2. To ascertain and develope the natural resources of our state.

3. To investigate its climate, soil, progress of population, and other statistical points.

The last two articles, one of which relates to Natural History, and the other to Statistics, are but collaterally within the province of an Historical Society. The last, to a certain extent, may be considered more directly within it, as far at least, as regards the times that are past, and as to the present time, in things that are susceptible of change, and their actual state to be ascertained for the benefit of posterity; as to those things that are immutable and will remain as they are through the succession of ages, they may, perhaps, with more propriety be left to the naturalist whose exclusive attention is paid to those objects which in fact are not within the proper limits of historical science.

Be that as it may, our attention hitherto has been principally directed to the first of the three objects pointed out to us; in the first place to collect, and in the next to preserve the

scattered evidences of our early history; and thus to repair, as much as has been in our power, the injury done to that branch of science by the inattention and the neglect of those who lived in those early times their immediate successors.

The first subject that offered itself to our investigations, was the celebrated Treaty of Friendship, made by William Penn with the Indians, shortly after his first arrival in Pennsylvania, that Treaty of which a celebrated French writer said, that it was the only one in the annals of mankind that was never sworn to, and never broken. The degree of importance in which this subject has been held and considered by us, is sufficiently shown by the fact, that the first paper which appears in our transactions, next to the inaugural address of our late President, is a memoir by our late Vice President Roberts Vaux, in which are collected, and brought to view all the traditions then existing in our city respecting that celebrated covenant and its locality; traditions supported by respectable testimonies, and which as far as traditions can go transmitted from father to son during a period of less than a century and a half, ascertain the fact of such a Treaty having been made under the venerated elm tree at Shackamaxon, now under the name of Kensington, a suburb of the City of Philadelphia. Tradition being thus exhausted, documentary evidence was wanting in order to ascertain the precise date, the contents and other circumstances of that Treaty; searches were made by our Members among the ancient records deposited in the office of the Secretary of the Commonwealth at Harrisburg.

For a long time their investigations were fruitless. At last, however, in a conference between one of our Colonial Governors and the Indians, the substance of that Treaty was found in nine articles, and communicated to our society. Circumstantial facts of less importance were also

discovered, and the whole has been the subject of several Memoirs and Communications which have been published in our volumes, and have thrown considerable light on a subject hitherto involved in obscurity. Nothing is now wanting but the treaty itself, in the evidence of it taken at the time, which we do not yet despair of discovering, if it should, by some fortunate chance, have been preserved in Europe or in this country.

But if we have not been successful in finding this precious document, we have discovered others highly important to the early history of our country, documents emanating from the founder himself, illustrating his character and his conduct, and which had escaped the researches of our Historians. Among those, there are two which I am bound particularly to mention. They are both antecedent to the founder's arrival in Pennsylvania.

The first is the letter which he addressed to the inhabitants of his new colony (then a mixture of Swedes, Dutch, and English,) on the 8th of April, 1681, a little more than a month after the date of his Charter, which was on the 4th of March preceding, in which letter he makes known to those inhabitants the liberal principles on which he intends to govern them, to which he afterwards faithfully adhered. It is remarkable that this letter escaped the research of our Historian, Proud, although it was in the same hands with Penn's letter to the Indians, which he published, and was made known through his history; its discovery is due to the exertions of our Society.

The other document, not less important, is the instructions given by William Penn to the three Commissioners whom he sent to his colony, where his cousin Markham had been sent before to prepare the way for him, and to secure the good will of the inhabitants, and the friendship of the Indians. Those instructions, and even the names of those

Commissioners, and the time of their and of Markham's departure, were unknown to Mr. Proud, and are not mentioned in his history nor in that of his successor, Mr. Gordon. These two original Documents, signed with the proper hand of William Penn, were not found in any public repository, but in private hands, the former in those of the Chew, the latter of the Hamilton family. Two other original papers, of equal importance, but which Proud and Clarkson have published, were in the same manner in private hands; I mean Penn's letter to the Indians, which, with that to the inhabitants, is still in the hands of Benjamin Chew, Esq., of Germantown; and the celebrated expostulatory letter of the founder when the Legislature were opposed to his measures, which letter, as is well known, so operated on the people as to produce an entire change of the members of the assembly, which Clarkson calls a true national answer, was obtained by our associate, Mr. Fisher, together with the instructions to the commissioners from the Hamilton family, and both are now in his possession.

These four important and valuable documents, all original, and honoured with the autograph signature of our founder, if they should remain in the hands of private individuals, are in danger of being lost to our posterity. They should, if possible, be preserved as sacred relics, framed and secured with glass, in the same manner as the original draft by Mr. Jefferson of the Declaration of Independence, with the amendments made to it by Congress, is at present in the Cabinet of the American Philosophical Society, which is also entitled to just praise for its successful efforts to preserve important materials for our National and State History, which make their Hall a place of interesting resort for Americans and for foreigners.

I have placed, gentlemen, these four original Documents

in bold relief before you; I need no apology for so doing, as you must be sensible of their value to our contemporaries, and of the interest with which they will be looked to by our latest descendants. They are full length pictures of our William Penn; his great mind is displayed there in every line, whether as the founder of a State, or its ruler and Legislator after it has been established, and the Neptune who, by a few words, calms the storms which have arisen on its surface; not by a threatening *quos ego!* but by words of affection, tenderness, and love.

Thus we have rescued from oblivion two important documents of our early history, illustrating the noble character of our founder, which, till now, had remained unknown to the historian, and saved, I hope, from impending destruction, two others connected with them, all in the original form in which they came from the hands of their immortal author.

So far we have complied with the injunctions laid upon us by our constitution, "to preserve the evidences of our history from its earliest dates," and done justice to the memory of our great founder; but we have not confined our researches, to these two important objects. As to the character of William Penn, we know that it is by his acts that he must be judged; that it is difficult, as the writer who has taken so much pains to impeach his conduct and his motives, candidly acknowledges "to unite the subtlety of the serpent to the innocence of the dove," but that genius, foresight and elevated views, may be combined with the kindest and tenderest feelings of human nature, and that these qualities exclude *cunning*, the talent of low and vulgar minds, so unjustly ascribed to our founder by the author of the Historical Review; and our early history being so intimately connected with that great man, that they cannot well be separated, we have eagerly sought in Ame-

veral interesting historical discourses and biographies of our deceased members.

We have to regret, however, that among our publications, but few are to be found relating to the interior of this State. We expected more from our brethren and associates in the different counties—we hoped to receive from them the history of their respective districts, an account of their climate, productions, establishments, and all those interesting details which enrich the collections of the Historical Society of Massachusetts. In this, with few exceptions we have been disappointed. We are, however, indebted to some of our country members for several valuable communications; and among them we notice with gratitude Mr. Redmond Conyngham, of Lancaster, and Mr. John F. Watson of Germantown, whose zeal for the promotion of the objects of this Society has never suffered diminution or abatement.

Among those who have shown the greatest zeal for the promotion of the objects of our Society, and to whose effectual assistance we are most indebted; we are bound to distinguish our respected associate Mrs. Deborah Logan. Her late husband, Doctor George Logan, was as you well know, the grand-son of James Logan, the able and faithful Secretary of William Penn, for many years the Colonial Secretary, and afterwards Chief Justice of the province, whose prosperity while he lived was in a great measure due to his talents, his labours and his personal influence. In due order of succession, the papers of that learned citizen and eminent statesman came to the hands of Doctor Logan, and are now in the possession of his widow who has devoted a considerable part of her time to classing and arranging them, and has with her own hand copied a great number of the most important, particularly the correspondence of James Logan with the first proprietor and other eminent men of his time in several volumes; which she has enriched

with historical notes that add greatly to their value. These she has deposited in the library founded by her husband's ancestor, where they remain a treasure for posterity.

Before this Society was instituted, Mrs. Logan communicated to the Historical Committee of the American Philosophical Society, many important documents that are deposited in their archives and to which we have free access. Among those are the rough minutes of the Provincial Council from 1693 to 1716, all in the hand writing of James Logan; the fair copy is in the office of the Secretary of the Commonwealth. On the joint representation of the American Philosophical and of this Society, the Legislature of Pennsylvania have by an act passed at their last session, ordered the publication of those minutes to the end of the year 1716, under the direction of the Secretary; there is no doubt but the remainder will be successively published as well as others of our ancient records. She has also given them the book of daily expenses kept by William Penn himself, while in this country, in which one of our members has found matter for an interesting paper published in the third volume of our Memoirs.

Our Society is also greatly indebted to the descendants of our illustrious founder. The late John Penn, Esq., of Stoke Pogeis, showed us on every occasion a friendly disposition: one of our members, J. Francis Fisher, Esq., being in England and paying him a visit, Mr. Penn gave him free access to the family archives, to which we are indebted for several of the letters of William Penn above mentioned; of which our associate took copies and brought them to this country; but his stay was too short to permit him to do much more. Mr. Penn's brother and successor, Granville Penn, Esq., has shown us more than a friendly disposition, and has evinced the greatest zeal for the promotion of our objects. To him

rica and Europe, for every thing that came from him or that bore his stamp, as most illustrative of the early period of our annals.

The fruits of our researches are exceedingly valuable in relation to our Colonial History. We have collected and published not less than fifteen original letters of William Penn, exclusive of what has been before mentioned, none of which had before seen the light. Those letters are directed either to his friends in this country or to the principal personages existing in England at that time, and all relate to the affairs of the government of Pennsylvania, or to his own personal history, and are, therefore, of the highest interest. We have also published a fragment of an Autobiography of the founder, written by himself, in vindication of his conduct, when pleading the cause of religious toleration in England. It is indeed, but a fragment, without much order or method, but it bears the stamp of its author, and is written entirely in his own hand. For this and other interesting papers we are indebted to the American Philosophical Society, who with their wonted liberality have given us free access to their valuable collection of historical documents, and permitted us to select from them those that we should think proper for publication in our memoirs; of which favour we have availed ourselves and mean to do so more largely in future. We are indebted to our respected friend and associate, Granville Penn, Esq., for a copy of an interesting memoir of part of the life of William Penn, by his friend, Lawton, the original of which is preserved in the archives of the family. It will be found in the third volume of our memoirs.

In that volume will also be found several other interesting documents, relative to our history, and never before published. We have mentioned the most important; it would be tedious to enumerate them all. We have, moreover, col-

lected a large number of valuable papers which will be successively published.

Had we done no more, we should be entitled to some credit as members of a society instituted for collecting and preserving the evidences of the history of Pennsylvania. But to this our labours have not been confined. We have translated and published the history of the earliest settlements of the country that now forms Pennsylvania, Delaware and the western part of New Jersey, extracted from the Swedish records and written in the Swedish language by Thomas Campanius Holm, with notes chiefly extracted from the work of another Swedish writer, Acrelius, which has not yet been transferred to our language. This translation has procured us an elegant copy of the original work, now very scarce, presented to us by the University of Upsal, and another by Granville Penn, Esq., which is now in the library of the American Philosophical Society. Our volumes contain not less than seventeen original memoirs, written by members of this institution and illustrating various parts of our history. Among them we remark the history of the university of Pennsylvania, and memoirs, on the early literature and the early poetry of this state. Several have applied themselves to elucidating the history of the celebrated Treaty under the Elm Tree, and to ascertain its date, its locality, its objects and its attending circumstances, so that the subject is nearly exhausted.

The character of William Penn has been ably vindicated by one of our members, from the charges brought against him by various writers, and particularly by the author of the "Historical Review of Pennsylvania," ascribed to Dr. Franklin, a lamentable proof of the deleterious effects produced by party feelings on the most enlightened minds, and the purest hearts. To these may be added, se-

vania wants a historian. It is to be regretted that he has only brought our annals down to the period of our revolution, while a foreigner, Ebeling, has brought them to the beginning of the present century. It is to be hoped that Mr. Gordon will follow that example, and continue his history, at least, to the time of the death of the illustrious Washington, or to the accession of Thomas M'Kean to the government of this state, when a change of politics happened, which may be considered as a proper resting place for the historian. A well written history of the part which Pennsylvania took in the American revolution, at its commencement and during the war which followed; our divisions into parties, first of Whigs and Tories, then of Republicans and Constitutionalists, which names, on the promulgation of the Federal Constitution, were changed to those of Federalists and Anti-Federalists, and the latter, during the French revolution to that of Democrats, which is still preserved and is claimed by all parties, when sketched by the pen of an able writer, would be highly interesting. I hope Mr. Gordon will not shrink from a task, which he is so capable of performing.

Another of our associates, Mr. Samuel Hazard, following the footsteps of his father under the auspices of this society, has published in sixteen quarto volumes, a large and interesting collection of public documents, relative to the political, natural, and Statistical History of this state. This work under the title of "Register of Pennsylvania" was commenced in January 1828, and continued inclusively to December 1835, when its publication ceased for want of support. It had a numerous list of subscribers, but the expenses still exceeded the receipts, and the editor was forced to abandon his patriotic undertaking. We indulge the hope that it will be resumed; the legislature of Pennsylvania which has lately given proofs of the interest which it takes in

the preservation of our historical monuments, will not refuse their aid to a publication so essentially useful and so well calculated to facilitate the labours of future historians, and to preserve the memory of important facts which otherwise may be lost to posterity. We hope also that our citizens, will more generally than they have hitherto done, contribute by their subscriptions to the revival of this valuable work, which ought to be found in the library of every one who feels an interest in the past and present fortunes, and in the prospects of our noble state, which has not improperly been called the Key Stone of the arch of the American Union.

Having spoken of the Legislature of Pennsylvania, I must not forget the part which it has taken in the promotion of the objects of our institution. In the archives of the State, under the care of the Secretary of the Commonwealth, is a large quantity of public documents, the records of our early history from the time of William Penn, which are in great danger of perishing by some of the various accidents to which they are necessarily exposed, and which the press alone can save from impending destruction. Sensible of this danger, and of the importance of preserving those evidences of our early history, the American Philosophical and this Society presented to the Legislature at their last session their joint memorial, recommending the publication of those documents, and particularly of the minutes of the Provincial Council, and the treaties with the Indian tribes. The Legislature promptly responded to their desire, and directed those documents to be printed, at the public expense, from the earliest times of the colony until about the time of the death of William Penn. This is a good beginning, and it is expected that it will be successively continued. The execution of this work is committed to the care of our associate, Thomas H. Burrowes, Esq., the

we are indebted for valuable presents, the list of which would be too long to enumerate, but there are some which it is impossible to pass over in silence.

Every Pennsylvanian must be happy to hear that by the munificence of Mr. Granville Penn, we are in possession of the only portrait that was ever taken of our illustrious founder. It was taken when he was twenty-two years of age, which must have been in the year 1666, shortly after his return from France and Italy, and before he had assumed the habit and the manners of a Quaker. He is represented there as a gay young man, clad in armour, and his face bears a great resemblance to that of his father, the Admiral. Two copies, or rather two originals of this picture were made at the time, and both were preserved with great care by the family. One of them Mr. Penn has presented to our Society; an engraving of it may be seen in the second volume of the life of Sir William Penn, which if it has not been taken from the one in our possession, must have been from one exactly similar to it. To this, Mr. Penn has added a ring containing a lock of the hair of the great founder; a precious relic, which will be more and more valued as ages shall succeed each other.

To the liberality of Mr. Penn, we are also indebted for portraits of Lappawinsoe and Tishcohan, two Indian Chiefs, who were parties to the celebrated walking treaty purchase. These pictures were taken in Philadelphia, in the year 1737, and this circumstance shows that they must have been distinguished among the chiefs who signed that treaty. Heckewelder gives us the signification of their names. The former signifies, "He is gone away without gathering nuts, corn, or any thing else," and the latter, "He who never blackens himself," and it is observed, that in his portrait those marks are absent which are always to be seen in the faces of the Indians. Mr. Penn has also pre-

sented us with a portrait of the good Governor Gordon, taken at the same time with those of the Indians, and probably by the same artist, for even at that time there were painters in Pennsylvania. I speak not of numerous other gifts which that gentleman has made to our society, but these must be specially noticed, because as family relics, or as connected with the government of his family in this country, he must have been loth to part with them, and nothing could have induced him to make that sacrifice, but his perfect conviction that Pennsylvania and this society feel an equal interest with himself in perpetuating the fame of his illustrious ancestor. With the same benevolent feeling, he is exerting himself at this moment, to procure for us the celebrated blue sash which William Penn wore at the great treaty, and we hope farther, to receive from him copies of interesting documents from the family archives. With our late lamented president, Mr. Penn kept a regular correspondence, which with another of our members is to this moment continued. In all his letters he expresses the warm interest felt by him in the pursuits of our society, and his desire to give to our efforts all the aid and assistance in his power.

I have thus, gentlemen, given you a brief sketch of our social labours, and of the success that has attended them. But other, and not less important results have followed from our institution. An impulse has been given by it to historical pursuits, which induced individual efforts highly deserving of notice. A distinguished member of our society, Mr. Gordon, had long been collecting materials for a history of Pennsylvania, but was discouraged from prosecuting his work by the indifferent spirit of the times. Having joined our association, he caught the fire that animated us, and in the year 1729, published his valuable history of our late province, so that it can no longer be said that Pennsyl-

Secretary of this Commonwealth, whose talents and zeal assure us that the task will be performed in such a manner as becomes so important a collection, and so as to do honour to the Editor, to the Legislature, and to the State; for whose benefit the publication is ordered.

From all that I have said, gentlemen, concerning the labours of our young society, I think that without assuming too much to ourselves, we may fairly draw the following results:—

1. We have brought to light valuable documents, illustrating the early history of our Commonwealth; amongst which, are several of great importance, which had escaped the researches of our historians, and which were in danger of being lost to posterity.

2. We have collected a great quantity of other interesting papers, which we expect to publish in due succession.

3. Our members by their memoirs, published in our volumes, have elucidated various points of our history, and thus facilitated the labours of future historians.

4. In consequence of the impulse given by the institution of this society, historical works and collections, composed or compiled by our members, have issued from the press; Colonial Pennsylvania, at least, no longer wants an historian.

5. In conjunction with the American Philosophical Society, we have prevailed on the Legislature of Pennsylvania, to publish at their expense, the Provincial Records deposited at Harrisburg, and thus made the State an associate in our labours.

Therefore, gentlemen, I think I have not said too much, when I ventured to advance that we had reason to felicitate ourselves on the success of our exertions.

Having advanced so far, it is to be hoped we shall not stop here. Our fellow citizens expect more from us. The

Government themselves have become in a manner our associates. We must convince them by our future labours that we are deserving of the respect they have paid to our patriotic suggestions.

Permit me here, gentlemen, to say a few words on the nature of the engagements that we have taken with the public, and what they have a right hereafter to expect from us: that will be best done, perhaps, by sketching out to you the principal objects of an Historical Society, as they are understood by the literary world, and as our constitution defines them.

We are not historians; our station, though respectable, is of an humbler degree. Our first duty is to collect and preserve materials for future history, and to elucidate historical facts, which have become obscure by the operation of time. The present times, therefore, may hardly be considered as within our province. Of the events which now take place, the public are informed by multitudes of newspapers, journals, magazines, books, and pamphlets of every description. All we have to do with respect to these is to collect them, as far as our means permit, and preserve them in a safe repository for future use. We must leave in a great measure to individual collections, such as are published in almost every State of this Union, the task of compiling those materials; of which our society will avail themselves at a future day.

There are local details, however, which appear of little or no importance at the present moment, which, consequently, are overlooked, and of which no memorials are preserved; the want of which history will hereafter regret. Our country is improving rapidly, and it will be interesting to our descendants to follow the progress of those improvements. Large towns are rising in districts where they were not expected, and no one can tell what humble village in

our State is yet destined to become a great mart of industry or commerce. To trace the rise of those places from their small beginnings will be pleasing to our descendants; and it is our duty to furnish them with the means. Therefore, we should seek for and collect statistical details of every county, and, if possible, of every town in this State, together with an historical account of their rise and progress as far as it can be obtained. Of this the Historical Society of Massachusetts have given us an excellent example; there is hardly a town in that commonwealth of which we do not find an historical and statistical description in their valuable volumes. We have endeavoured to imitate them; but hitherto without much success. Nevertheless, we should not be discouraged; by pursuing another method, we may yet succeed.

I would propose that a circular letter be written and sent to the most enlightened and influential men in every county in this State, and request of them the information we stand in need of. It is not to be expected that they will themselves take the trouble to make the necessary inquiries, and send us written communications. A few of them may do it; but, in general, men of the above description are too much employed in more important business to attend to these details; but there are every where intelligent and aspiring young men, who, while they instructed themselves, would find pleasure in collecting facts for us, and transmitting them to our society; of which they would of course become the correspondents, and so make their first appearance in the literary world. Thus, those whom we should address would have no trouble but to put our circular in the hands of such persons, and I believe there is no one who would not willingly do it. The youth of this country are anxious to distinguish themselves, and would be glad that we should give them the opportunity.

Five years ago (in 1832) a circular letter such as I have above mentioned, was printed by order of this Society and distributed through this State; but in what manner I know not, except in few instances it appears to have failed of success, perhaps, for not selecting with sufficient care the individuals to whom it was sent. I would not be discouraged from making another trial, particularly selecting for our correspondents, the heads and professors of Universities, Colleges and Academies, Ministers of the Gospel, Physicians, and all who unite leisure to literary acquirements; I indulge great hopes of future success.

The collecting of historical documents is also among our first and most important duties; scarce pamphlets and other printed papers, country newspapers, manuscripts, historical fragments never published, but preserved in families, letters and correspondences of eminent characters, in short every thing printed and written that can throw light on our history. To the latter part of these duties we have zealously attended, and I think, I have shown with no inconsiderable success. If we have not succeeded so well in some other respects it is because we have not received sufficient aid from the interior of the State, or perhaps, because we have not taken the most efficient means to stimulate it. I hope we shall leave no means untried to effect that purpose.

Our first object then is to collect materials for the history of our Commonwealth, some to be immediately published, others to be preserved in our archives for future use; as it is expected that these materials will accumulate as they have already begun to do, it is easily to be conceived that it will not be possible to give them all a place in our Memoirs; but there will not be wanting men, who like Mr. Hazard in this city, Mr. Niles of Baltimore, and Mr. Sparks at Cambridge, will publish them in separate collections, for which, from the increase of our population and the growing

taste for letters and science which the most superficial observer may perceive in this country, and in this State in particular; it is not to be doubted that they will receive sufficient aid. In the mean time and that our zealous contributors may know that their favours are not unattended to, I would propose that to every volume or half volume of our memoirs, there should be added a Bulletin of the proceedings of the Society at their quarterly meetings, and of the council during the recess, in which, amongst other things, mention should be made of all the donations and communications received with the names of the donors and correspondents; and a sufficient notice taken of the communications of the latter, to make known to the public the subjects of which they treat; I have no doubt that it would induce many to become correspondents of our Society, and aid it by their labours; a certain number of those Bulletins might be separately struck off and sent *gratis* to our correspondents; the expense would be trifling, and I have no doubt that great benefit would be derived from it.

But it is not sufficient that our memoirs should consist of dry historical or statistical facts and documents. They should be made as interesting as possible to the general reader, and for that purpose they should have a literary, and if I may so speak a *popular* character, by which means they will be more generally read, and more extensively diffused. For this purpose I strongly recommend the continuation of the course we have hitherto pursued of publishing short Historical Memoirs, in which, obscure or controverted points of our history are elucidated; in which an account is given of the rise and progress of the different Arts and Sciences in this State, and of the institutions established to promote them. There is at this moment a subject which claims our particular attention, I mean the establishment of our present school system. I have more than one gentle-

man in my eye among the members of this Society, who could furnish us with an interesting memoir, showing the first rise of the system, its slow but certain progress, the obstacles it met with, the success with which the efforts of its friends were crowned, the defects which still remain to be corrected and the probable effects of this great experiment.

Numerous other subjects crowd upon us, which have strong claims on the attention of our members and correspondents. The history of the Indians who inhabited this State, only partially given us by Heckewelder; their manners, customs, habits, languages; all these are of the highest interest to us, as those once numerous tribes have entirely disappeared from our soil, and no vestige of them remains, except the names which they have given to some streams and villages which have fortunately been preserved. One of our members has preserved for us, and we have published a Narrative of an embassy to the Western Indians, from the original manuscript of a Native; a precious document which it is hoped will be followed by others of a similar character, and by a variety of other communications relating to that unfortunate race.

Another race of men presents itself to us as a part not only of the past, but of the present state of the population of this commonwealth. I mean the African race, which was by force or fraud taken away from their native country, and doomed to slavery in ours. Pennsylvania was the first of these states who abolished that condition of man, which the laws had established in opposition to the dictates of nature. No slavery now exists within the wide territory of this commonwealth. The black man and the yellow man here enjoy their freedom equally with the whites; all men here are free and equal in the eye of the law. Each may exert his talents and his industry as he pleases, and

pursue happiness by such lawful means as he thinks proper. The law makes no distinction between the white and the coloured man; the education of their children is attended to, and they do not want protectors among the white race, against those who might attempt to oppress them. In every respect they are free. There are, nevertheless, many among them, who have an ardent desire to return to the land of their ancestors, where the policy of those states, whom stern necessity compels to hold them still in bondage, has established a flourishing colony; near which our own citizens have lately founded another in connexion with the former, and both promise to be a safe and an honourable asylum for that unfortunate race. Pennsylvania has done her duty to herself, she will abstain from meddling with the policy of her sister states. If left to themselves, they will pursue the most proper course, and, I venture to predict, from causes which I see silently operating, that in process of time, slavery will ultimately disappear from every part of our country. But if interfered with, I see storms and tempests in the horizon that will shake our union to its centre.

The history of this race in Pennsylvania will be interesting to our posterity. Therefore, facts connected with it, particularly with their emancipation, and the steps which gradually led to it; the efforts of Lay, Benezet, and others, the spirit which prevailed at the time of passing the act for the gradual abolition of slavery; the manner in which that law operated, the formation of societies in aid of its benevolent objects, the establishment of schools for the education of coloured children, and the effects they have produced,—the introduction of the Colonization system into our State—the opposition it met with, its progress and gradual success; all those topics, if not at the present moment, will at no very distant time give rise to numerous historical relations and memoirs, and furnish subjects for future history.

These topics, however, should be treated with great delicacy; too many interests, and too acute feelings are involved therein; the time has not yet come for touching upon this subject with the boldness of the historian. Certain discussions, therefore, should be avoided as much as possible.

Other objects present themselves in crowds to my mind; fit subjects for the exercise of the talents of our members and correspondents. The credit and the bullion systems opposed to each other now agitate the whole of the civilized world. A violent struggle between the two systems for supremacy is shaking our country to its centre, and it is feared will produce similar effects in Europe. This is a proper time, therefore, for studying the history of paper credit in Pennsylvania and our sister States, before and during the revolution.

Much light may be elicited from those studies, that may serve to allay the ferment of the present times, by throwing in the lessons of experience. But, in investigations like these, let us beware of party spirit. Let not the monster be permitted to enter our halls. As citizens we may, it is true, espouse one or other of the parties which divide our State,—as philosophers and investigators of historical truth, we ought to rise above those noxious vapours, and breathe a purer atmosphere. A party man, who remains such in the halls of philosophy and science, has no longer a right to claim our fellowship; he must cast his party feelings behind him the moment he enters our sanctuaries—we leave party politics to newspapers and to the halls of legislation; we are the servants of impartial history, and we must not betray her interests. Facts, and not party opinions are what history demands of us.

While on this subject, I cannot avoid stating a fact which is the result of near sixty years experience in this great city.

During all that time, I have not yet seen a contested election that was not said to be the most important that had ever taken place. Men of all parties affirmed that, if they succeeded, the country was saved—if they failed, it was lost and ruined for ever. Success has been various. One party has risen and then fallen to make room for another. And now, gentlemen, look at your country! your glorious, flourishing, and happy country! the envy and the admiration of the civilized world! Storms have been succeeded by fair weather, and fair weather again by storms; but still the country remains, rising and advancing with giant steps. Look at it now, as you or your descendants will a century hence; when these times shall have fallen within the legitimate domain of history, and will be looked at with the same cold impartiality as you look upon those that are passed and gone. This is the point of view in which the present times should be viewed, and though the horizon is at this moment overcast, the country, like the sun under a cloud, is still pursuing its course to destinies; the like of which the world has never yet witnessed. History lives only in the past; yet as collectors of facts, we cannot avoid approaching recent events; but let us do it with that calm philosophical spirit, which alone can secure to us the approbation of posterity, and let it be clearly understood that we shall reject every communication that shall be in the least, tinctured with party feeling.

As long as the world lasts, and under all forms of government, men will struggle for power: like the chiefs of hostile armies, they will array their followers in inimical bands against each other. It is the duty of philosophy and science to still those angry passions, and not to exasperate them.

We want the aid of men of all parties. Talents, and knowledge are not confined to one sect. Therfore, we cannot make it too clearly understood, that we mean to con-

fine ourselves, as we have hitherto done, to what is properly the province of history, and that our memoirs are not to be a field for political combatants. Then will all freely communicate with us, and peace will reign within our walls.

I do not mean that we should reject opinions, when calmly and moderately expressed, and when that expression is necessary to the elucidation of an historical fact. I am far from wishing to fetter our minds to that degree. Freedom of opinion, however men may differ, is too valuable to be parted with. It is not opinions that I wish to exclude, but party feelings and party spirit, easy to be discerned, and which, I hope, will never find their way into our memoirs.

But I fear I have too much wandered from the main subject of this discourse. It would be too long to enumerate all the topics to which the attention of our members and of our correspondents may be drawn. I have pointed out a few of the most important; many others will suggest themselves. Discoveries may be made in history as in other sciences. Important documents, buried in the closets, or perhaps thrown among rubbish in the garrets or cellars of private families, and sometimes in the shops of grocers or confectioners, are the treasures which historical societies are intended to look after and preserve. In Europe, this task is committed to antiquarian societies, but in this country our antiquities are modern, and we dare hardly assume the name, except as relates to the Indian tribes who preceded us in this land, and the field of discoveries with respect to them, is not exhausted. One has been lately made by one of our members, which is as curious as it is surprising and unexpected. We never should have supposed that the Indians of Pennsylvania had geographers among them; and yet a Geographical Map, evidently the work of Indians, has been found engraved on a rock, in Lycoming County, at the mouth of Sinemahoning Creek.

On this map is delineated a tract of land, extending from twelve to fifteen miles, probably the hunting grounds of the tribe who inhabited that part of the country. The course of the streams which pass through it is delineated with so much accuracy, that the spot is easily recognized. The discoverer, Mr. Johnson, has brought the rock to this city, and exhibited a fac simile of the engraving to our society at their last quarterly meeting. He was requested to write a memoir upon it, to be accompanied with an engraving of the map, which he has done, so that it will appear in the next volume of our memoirs. The field of research is yet immense, and important discoveries still await us, for the reward of our labours.

We have not neglected the yet doubtful question of the origin of the American Indians. We have published an interesting memoir of one of our members upon that subject, in which he reviews the different opinions that have prevailed, but comes to no definite conclusion, and leaves the question still undecided. It must not, however, be abandoned, light may yet come from a quarter whence it is least expected; our vast continent has not yet been sufficiently explored. Philology and Geology are rising sciences; who can tell to what discoveries they yet may lead?

Thus, Gentlemen, I have endeavoured to lay before you a brief sketch of what we have done, and what remains for us to do. Our late venerated President, in his inaugural discourse expressed his ardent wish, "that our Society should not be like many others, marked only by vivacity of inception, apathy of progress, and prematureness of decay." He has lived to see his wish accomplished. Warmed by his spirit, our Society still lives; apathy has not yet touched our members with her torpid wand, and we show no symptoms of premature decay; may the same spirit continue to animate us, which led us on at the first, and I hope will guide us successfully in our progress to the end.

A

MEMOIR

OF

WILLIAM RAWLE, LL. D.

President of the Historical Society, &c.

BY T. I. WHARTON, ESQ.

Read at a meeting of the Council, held on the 22d day of February, 1837.

WITH A LETTER FROM

PETER STEPHEN DU PONCEAU, ESQ.

To the Author, containing his recollections of Mr. Rawle's life and character.

The following Memoir was prepared at the request of the Council of the Historical Society, and was read at a meeting held on the 22d day of February, 1837.

I am abundantly sensible of its deficiencies and defects both in substance and manner, and have only to state, in apology, that it was hastily prepared in the scanty intervals of leisure, which the cares and duties of my profession allowed. I should hesitate much about allowing it to go to the press, if it were not for the circumstance of its having been the means of awakening the delightful recollections of my venerable friend, Mr. Du Ponceau, which he has favoured me with, and which I am authorized to give to the public in company with my own memoir.

T. I. W.

A

MEMOIR

OF

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WILLIAM RAWLE, LL. D.

The ancestors of William Rawle came from the county of Cornwall in England.*

A manuscript found among his papers contains some account of his progenitors, and some recollections of his own times, which he appears to have written in the year 1824, at the suggestion of Mr. Watson, the author of the Annals of Philadelphia; but, unfortunately, the design was soon abandoned, and a few pages of detached memoranda alone remain. From this and other sources the facts contained in the following memoir have been derived.

Francis Rawle, the first of the race who came to America, arrived at Philadelphia in the ship Desire, from Plymouth, on the 23rd of June, 1686, accompanied by his son Francis, and bringing with him five "servants," (so called in a document of the time,) who, I presume, were agricultural labourers. He died on the 23rd of December, 1697.

Of his only son Francis, the second, I find the following account in the M.S., of which I have spoken. "He was a man of education, though I believe of moderate property.

* See Appendix A.

He married the daughter of Robert Turner, a wealthy linen draper from Dublin, who took up the whole lot from Second Street to the Delaware, between Arch Street and M'Comb's Alley. He resided on this lot, and I have seen an old draught of it; in the centre of which, was the figure of a house, with this description, 'Robert Turner's large House.' Probably in these days his mansion would not be so described. William Penn had that confidence in Robert Turner, that he sent him from England a blank commission for the office of Register General for the probate of Wills, &c., with power, if he did not choose to exercise the office himself, to fill the blank with any other name he pleased. The original letter from William Penn, is somewhere among my papers. Robert Turner accepted the office, and appointed his son-in-law his deputy. Francis Rawle published a book which, as far as I know, was the first original treatise on any general subject that appeared in this province. Religious and political controversy had before this time, alone appeared from the press. The title of this work, (I have unfortunately lost the book itself,) was, I believe, "Ways and means for the inhabitants on the Delaware to become rich." One day at Dr. Franklin's table at *Passy*, he asked me if I had a copy of the work; observing that it was the first *book* that he had ever printed.* The greatness of Franklin's mind did not disdain to refer to his early occupations, in the presence of some men of the first rank of that country with whom his table was crowded."

To this account of Francis Rawle it may be added, that he was elected a member of assembly for the city of Philadelphia, in the years 1707, 1708 and 1710, and again in 1724, 1725 and 1726. It appears from the journals, that he took an active part in the business of the house, and was frequently at the head of the most important committees. He

* See Appendix B.

died on the 5th of January 1727. I have before me a letter from Thomas Chalkley, an eminent minister among the Society of Friends, addressed to his son William Rawle, dated "Frankfort $\frac{e}{y}$ 6th of the 1st mo. 1726," in answer to a letter communicating the information of his father's death, in which he bears the strongest testimony to the worth of his friend, in the expressive simplicity of the good old English. "The loss of so good and valuable a neighbour," he writes, "causes our hearts to affect our eyes. I never was in his company but I learned something instructing of him, and was always the better for it. So that I lament my single loss of him as well as the general one. The Almighty Lord sanctify such a great loss to your family (I humbly pray) and bless you his children."

Martha, the wife of Francis Rawle, survived him eighteen years; dying on the 18th day of July, 1745. They had a numerous family, of whom six sons and four daughters survived her.

William, the third son of Francis and Martha Rawle, was the grand-father of our late President. He married on the 29th of August, 1728, Margaret, daughter of Henry Hodge of Philadelphia, merchant, who died shortly after the birth of their only child. He was a man of parts and education. His library was extensive for those days, especially in classical literature. Many of his Greek and Latin books were in the possession of his grandson. He died on the 16th of December, 1741.

Francis, the only child of William Rawle, was born on the 10th of July, 1729. He received a liberal education, possessed a robust and active mind, and is said to have been a person of very attractive manners and conversation. He was a contributor to a literary Journal of the time, as I gather from some MSS. in my possession. I have also a

considerable number of Letters written by him in a very easy and agreeable manner. In the the year 1755 he sailed from Philadelphia for Europe, and arrived at Cork after a short but rough passage. I have before me his MS. account of the voyage, and of his tour in Ireland; all that has been preserved I believe of his travels; from which I make the following extract, as a specimen of his style, and on account of the evidence it furnishes of the near resemblance of Ireland in 1756 to its present condition.

"There seem to be but two degrees of people in this country —the gentry and slaves. These rent small pieces of land of the former, and pay high rents for them; from twenty shillings, to sixty shillings per acre a year. On these they build themselves miserable cottages or cabins of dirt and straw, to strengthen or cement them better, without any chimney or fire-place; a door of withes or Wickerwork serving them for a chimney, window, and door. To build better houses were they able, they have no encouragement; for perhaps, if they make any considerable improvement, they are directly turned off for the sake of a higher rent, brought about by their industry and good management. Their cabins are equally free to them and their fellow creatures the cattle, hogs, sheep, goats, and poultry; of which, indeed, each house has very few to its share. They walk in and out in as familiar a manner as their masters, and seem to be no more regarded while there than if they were the natural occupants," &c.

Shortly after his return home, Francis Rawle was married to Rebecca, daughter of Edward Warner.

In the summer of 1757, he attended the celebrated conference held at Easton with the Indians; at the head of whom was Tedyuscung. I have several of his letters to his wife written during his absence, narrating the events of

the conference, and furnishing some interesting and amusing descriptions. The following is from a letter dated, "Easton, July 26th, 1757."

"There are now here about two hundred and seventy or two hundred and eighty Indians; upwards of one hundred of whom are men, the rest women, with abundance of young *cubs*, who seem already to share a good deal of that ferocity which they may one day express in a greater degree under the tutoring and excellent example of their glorious fathers, if we do not conclude a lasting peace with them. These last appear dressed, painted, and set off to the best advantage; not to procure admiration, but to strike terror; and their appearance only seems sufficient to frighten faint hearted folks when they come in a hostile way. They have, however, behaved themselves tolerably well, and seem to stand in awe of Tedyuschung, though he sets them but an indifferent example sometimes. Last night his majesty was seen staggering along the street with two of his nobility, one of whom was forced to be supported by another of the company who had not drank so deep; but this does not happen often." Some days afterwards he wrote,—"Since my last we have had one more conference, wherein the Governor assured the Indians of his good disposition towards promoting a peace, and gave a suitable answer respecting the wounded Indian, and concluded with telling them he was ready to hear their complaints; upon which they appointed this day to speak. But last night has thrown back the business sadly; his majesty with all his counsellors, warriors &c., having got so drunk as to make a great disturbance, and not retiring to rest till broad day; it is feared they have disqualified themselves for negotiation. To prevent the like evil for the future, the commissioners have this morning ordered the landlord not to let his majesty have any more liquor, not even his usual allowance, until the bu-

siness is concluded, in order that it may be the sooner over, and that the Indians may not hereafter complain of one making them drunk first, and then bringing them to our own terms, by taking that advantage of them." "Yesterday the Indian interpreter, and one high in Tedyuschung's esteem, being a little in liquor, declared publicly, that the Indians would demand a tract of land on the frontiers large enough to maintain them, which they would settle upon, and improve in the manner of the white people, and which they would have made sure to them and their posterity for ever, on which they choose to have a free school, a minister, and a truck house, kept by an honest man who would not impose upon them; and this land required, I suppose, is what they think themselves cheated of," &c.

Francis Rawle died at the early age of 32, on the 7th of June, 1761, in consequence of a wound received from the accidental discharge of his fowling piece, while shooting on his grounds near the city. He was carried into his own house; and a surgical operation having been performed, he appeared to have a fair prospect of recovery, but a lock jaw took place and he died after a week's confinement.

William Rawle his only son, the subject of this Memoir, was born on the 28th of April, 1759. He was, therefore, little more than two years old at the time of his father's death. On a manuscript in his father's hand-writing, I find the following endorsement by him; "I believe that the within was the composition of my revered father. It never was my lot *risu cognoscere patrem.* I was too young to recognize him by any thing."

He was left however, under the care of a mother, who with an intellect of no common strength and cultivation possessed every virtue that befits and adorns a christian woman; and whose tenderness and solicitude for her offspring, swelled beyond the ordinary stream of maternal

love. Subjected to early and continued trials and adversities; deprived of husband and children; exiled during the war of the revolution, and plundered of property; this excellent woman displayed a fortitude and energy of character, which contrasted remarkably with her serene and gentle disposition. She survived to an advanced life; but the progress of years and infirmities made no impression on her warm and kindly heart. Her attachment to her children and their descendants, was repaid by all that affection and duty could offer. In her son, William Rawle, she found ample solace for her cares and calamities. A more affectionate and devoted son never existed. His letters to her during all periods of his life, and his private diaries give constant proofs how deeply the sentiment of filial love was implanted in his heart, and remind one of those better days, in which reverence for parents was felt to be a duty next to that which belongs to the great Father of all.

In the MS. to which I have referred, Mr. Rawle thus speaks of an occurrence which happened when he was about the age of six years.

"The alarm of the '*Pextang Boys*' is distinctly within my recollection. The watchmen knocked violently at every door. 'The Pextang Boys are coming,' was vociferated through the street; almost every body rose, dressed themselves and waited anxiously till daylight. Whether just before or after this alarm is not recollected; but a number of these infuriated people had advanced as far as Germantown. The Governor sent up some of his council to treat with them, and endeavour to pacify them. The late Mr. Chew, who was one of the number, informed me that several gentlemen of the Society of Friends went up at the same time, though without any official authority. They met the principals of the Pextang people in a large room at a tavern. The younger part of them were about the door, and in the street

in front of the house in considerable numbers. Their conduct was violent and outrageous; and their manners so terrified the landlord that he came into the room, and besought the Philadelphia gentlemen, when they were about returning, to depart in a private manner through the back yard; with which the elderly part of the rioters advised them to comply. 'We all adopted this advice,' said Mr. Chew, 'but William Fisher, who in a decided voice ordered his horse to be brought to the front door, mounted him with deliberation, and rode slowly away without any personal insult.' 'This determined gentleman,' adds Mr. Rawle, 'was the father of James C. Fisher, Esq., of this city.'"

At the period of the commencement of hostilities between Great Britain and her colonies, Mr. Rawle was about the age of seventeen years, and, I presume, was yet a student at the Friends' Academy in Fourth Street, where he received his collegiate education. His immediate relations and connexions were all adherents of the royal government. His step-father Mr. Shoemaker, one of the old school of gentlemen, a man of extensive reading and cultivated taste, held the office of mayor of Philadelphia during the period that it was under the control of the British army. When it was resolved to evacuate this city, it became necessary for Mr. Shoemaker to retire to New York. In conformity with the wishes of his mother, and from his own personal attachment to Mr. Shoemaker, whom he always regarded with filial affection and respect, Mr. Rawle accompanied him to New York in the month of June 1778. They were under the necessity of proceeding by water; and he mentions in a letter now before me, that they were two days and nights on board of a small sloop on their way to Reedy Island, where they found the fleet lying, and *thirteen* days on the passage from Philadelphia to the *capes!* This, which was extraor-

dinary even in those days, it may be supposed he found sufficiently irksome. "Never," said he, in the letter alluded to, and which was addressed to one of his sisters, "did I listen with more attention to worn out metaphors and proverbs than now. I presently caught myself comparing our situation to that of a bird in a cage, a person chained in a dungeon, mouse-trap, matrimony, and a hundred other ancient sayings that I now felt the propriety of. In this delay we passed away the time in reading, writing, and sailing about the fleet to see our friends—friends, alas! only by similarity of misfortune."

In New York Mr. Rawle commenced the study of the law, under the direction of Mr. Kempe, who, I believe had held the office of attorney general, and of whom he thus speaks in one of his letters. "I have begun to read law with Mr. Kempe—a man whom I admire more and more every day. Understanding, learning, generosity, sensibility and courage, distinguish him. He is the tenderest of brothers, the most affectionate husband and father. As a lawyer, distinguished equally for skill and integrity; as a gentleman, remarkable for his politeness; as a friend, beloved for his sincerity; and my heartiest wish for my own peculiar interest is that I may become like him." If the description of the teacher was accurate, certainly the wish of the pupil was realized; for the portrait here drawn might in all its features be taken for one of Mr. Rawle.

New York, however, in its then condition, did not afford sufficient opportunities and inducements for the study of a peaceful science; "There is something," he says, in another letter, "in the air of a military government extremely disagreeable to those who have experienced another; though, perhaps, this is one of the best administered. It makes people in civil life feel interrupted in business, and cramped in pleasures. In short, with all its advantages of strict sub-

ordination and sudden obedience, none but those who are paid for liking it, can cheerfully endure it." .... "In the profession which I have chosen, it is impossible to obtain even a slender knowledge of essentials in the situation of things here. This every body agrees to; and the reason is, the military government which prevails; in consequence of which the still small voice of the law is seldom heard and never attended to."

Under these circumstances, and being precluded from returning to his native city at that time, by the political outlawry of his parents, Mr. Rawle determined to visit England, and pursue the study of the common law at its ancient fountain, "The pursuit of pleasure," he remarked, in the letter from which the last extract was taken, "is the farthest thing from my thoughts in going to England. But the pursuit of knowledge I am ardent in. Two or three years study in the Temple, will qualify me for the bar; and if at the expiration of that time, things should not be settled in America, (which, however, is an improbable thought,) I can then by engaging a little in practice, prevent myself from forgetting what I have already acquired, and perhaps obtain a moderate income during the time I should stay. This it would be impossible to do here, where I can neither learn, nor derive advantage from what I have learned." Having obtained the consent of his mother, he embarked on the 13th of June 1781, on board one of the vessels of a numerous British fleet, destined in the first instance to Ireland, and arrived at Cork on the 18th of July, after a short and agreeable passage. From Cork he proceeded to Dublin, over the same road that had been travelled by his father 25 years before. A narrative of his voyage and tour in Ireland written for his mother, is in my possession. The commencement exhibits a prevailing feature of his character, to which I have already adverted. "I have endeavoured," he begins, "to recollect a few cir-

cumstances of my journey from Cork to Dublin last summer, in order to obey a request of my mother's, though I am afraid she will meet with little satisfaction in them, farther than that they were written by one who thinks his highest praise to be the title of an affectionate son." The journal fills a volume of a hundred and twenty-five pages, written in an easy colloquial style which is often more agreeable than elaborated composition; and contains good descriptions of external nature, and well told anecdotes of the people. I should be glad to make some extracts from it, did I not fear that this memoir would be enlarged beyond the usual dimensions.

Mr. Rawle arrived in London in August 1781, and immediately entered himself a student in the Middle Temple; to which he was recommended by Mr. Eden, who had been in America, as one of the commissioners in the abortive attempt to bring about a settlement of the dispute between the two countries. I have before me the certificate which he received on his admission to the Temple, and which runs thus.

"Die 17 Augusti, 1781.

Mar. *Gulielmus Rawle* ffilius unitus *ffrancisci Rawle* nuper de civitate Philadelphiæ in America mercatoris, defuncti, admissus est in societatem Medij Templi Londini, specialiter.

	£	s	d
Et dat pro ffine	4	0	0
Pro ffeodo & impressionibus	6	14	6
£	10	14	6

John Manley, Tr.

Cop. exam.
J. Horsfall Sub. Thes."

It appears from this document that the initiation fees into the society, in those days, were equal to about $50 of our money. I find also that his "rooms" cost him £30 sterling per annum.

It is to be regretted that Mr. Rawle's journals of his residence and studies in England, have not been preserved. Judging from what I have read of his letters and narratives on other occasions, I have no doubt that they contained a great deal of what would be read now with pleasure and advantage. From his letter to his mother and sisters written during that period, I may be allowed to make a few extracts, illustrative of his pursuits and opinions, or interesting from the persons to whom they relate.

"Mankind in England," he says in one letter, "differs very little from mankind in America,—a few external circumstances may indeed, give a different colour and appearance to their actions for a while; but familiarized to those circumstances, we discover that the same passions and motives universally influence in the same manner.—London is indeed, a vast collection of people; but these people are much like those I have left behind,—virtue is honoured and vice despised, much the same in both countries; and whatever satirists may say to the contrary, I am convinced that the world ever applauds virtue as it deserves. In defence of herself, vice throws out a variety of allurements which make but a faint and transient impression—so soon as we recollect that they are but the allurements of vice: contrary to Pope's lines on the subject, I am of opinion that they are the most forcible at first sight, and that it is only in consequence of contemplating them seriously, that we discover and abhor their internal deformity.—In that pursuit of happiness to which the mind is naturally disposed, a very little reflection will induce us to leave vice behind, and to follow the footsteps of virtue, from whom alone we may expect those "lasting hours of waking bliss" that durable felicity

with which she always rewards her votaries, and without any common placing on the subject, I am so seriously convinced of this argument, that I should always lament the first step to vice as the first step to misery."

"I was very early gratified," he says in another letter, "with the sight of the king, which most strangers are desirous of. He is tall and well made; and were it not for his white eye-brows and gray eyes, would be a very handsome man. He talked and laughed incessantly during the whole play, with some of the lords in waiting; contemplated every part of the house with his opera glass, and behaved more like a young man of abundant gaiety, than what I had always conceived to be a style of royalty. The queen, who is by no means handsome, but much resembles the picture Governor Franklin had of her at Burlington, was received at entering the house with the loudest applause; she paid her respects both in coming in, and going out, with great affability, and behaved during the whole time with a modest dignity, truly attractive. The Prince of Wales resembles neither his father nor mother; he has dark hair and eyes, and looks something like Lord Cathcart: though a very large man he is exceedingly graceful and genteel, and appeared infinitely more serious than his father. The play was such as one would suppose, none but a depraved taste would have thought of, and a vitiated age received. The beggars opera was performed in reversed characters. The women acting the men's parts, and the men the women's; yet the royal family appeared perfectly pleased with it; and it has been performed eighteen times with infinite applause. When the Parliament meets, and the courts of justice are opened, I expect to have full employment for myself. At present having few people to visit, and unwilling to exhaust at once that great fund of entertainment London affords, which, if properly managed, would prove a banquet for a

year; I sit a good deal at home particularly of mornings. I am engaged in reperusing Hume's History of England, which Mr. Dunning warmly recommended as a preliminary study to which the utmost attention should be paid."

"The Londoners," he says in another passage, "are so accustomed to speak of their favorite city in panegyric strains, that I fancy to confirm their observation, one must be very willing to be astonished. I must confess that on my arrival, the town fell far short of my expectations: whether it was that the descriptions I had heard had been too highly exaggerated, or that passing through Dublin, which resembles it so nearly, had prepared my mind for populous and magnificent cities, it struck me with very little surprize. But a farther acquaintance has opened a number of matters I was a stranger to; and the more I see, the more wonder is excited. The difference of ranks from the highest affluence and luxury, descending through a variety of degrees to the lowest poverty and distress, is every where visible. It is productive of that envy and desire which prompts those who are below to ascend, and occasions an imitation of manners sometimes awkward, and an emulation in expense often ruinous. It is impossible for me to say how low this desire of rivaling their superiors descends; but I suppose each different gradation looks up to the one immediately above, and treats those below it with indifference and contempt. I have been sorry to see those I thought superior to prejudices of this sort, indirectly aiming at a sanction for their sentiments, or claiming an approbation for their manner and way of living, from their particular intimacy with such, and such persons of high birth and fortune. I hardly know a circle of acquaintance which has not some Apollo of this kind, who is quoted as a pattern, or alleged as an authority for every thing that is done. As if a middle station was more ignorant of the pleasures and refinements of life than

a higher one, or society rendered happier by being hourly reminded of its inferiority. The equality of ranks is what will always render America an agreeable residence; but an Englishman boasts of that equality, which, with a strange capriciousness he never enjoys: while he proudly reports that he knows no superior but the law, he humbly adopts the manners of those who have no other claim to superiority than the feeble advantages of birth and fortune. Yet why should I be so earnest in seeking out their faults, when there is so much to praise in their virtues? They are sincere, generous, benevolent and brave; they are liberal in their charities, and warm in their friendship; if they are slow in forming intimacies, they are more constant to them when formed; if they are not so indiscriminately hospitable as in Ireland, it is, perhaps, because they pay a proper regard to their own satisfaction in the admission of their guests. In Ireland, it is sufficient to be a stranger, to be hospitably entertained: in London when strangers, that character procures relief to the distressed; but a man is laughed at, who supposes nothing else necessary for him to be taken notice of. Among the list of their virtues, may be reckoned industry and sobriety; at least, if the last is not to be reckoned among one of the virtues, it secures the practice of them all. A general goodness of heart pervades even the lowest ranks of people: and I have been surprised to see when an accident happened in the streets, what numbers were collected immediately to afford assistance. I think myself obliged to testify, that the roughness and brutality attributed to the common people, as far as I have seen, have been as much exaggerated as the other accounts of the country; and though I have been three months in London, and spent a good deal of time in the streets, I have not seen more instances of it, than the same time would have furnished me with in Phil-

adelphia. It is true, I have not been in St. Giles nor Billingsgate."

"At present," he says in another letter, "there is an absolute dearth of political publications; and no one thing worth sending out has been published since I have been here: perhaps the meeting of Parliament may produce something. The long vacation is at length over, and Westminster Hall was yesterday opened in the usual form. I had the first opportunity of gratifying myself with the sight of Lord Mansfield. It is very common to form ideas of persons figures from their characters, and equally common to be disappointed: my expectation of majestic dignity, dwindled away at the sight of a decrepit man of seventy-eight, with no other expression in his face than good-nature, hobbling with difficulty under the weight of a trailing gown. But after he was seated on the bench, when he came to deliver his sentiments on an argument between those two celebrated orators, Dunning and Erskine, a fire and animation took place in his countenance, that did full justice to the genius and judgment he displayed in his speech. I have absented myself from the Hall to-day on account of writing letters, but I shall return there to-morrow. On Friday the Lord Mayor engrosses all the business, to see whose procession, and spend the day I have two invitations."

He did not form a very high opinion of the eloquence of parliament. "I must confess," he says in another letter, "that I have heard nearly as much eloquence and oratory in a sixpenny place called Coachmakers' Hall, as ever I did within the walls of St. Stephens: so true it is that eloquence is not to be purchased by wealth, nor obtained by mere study."

Mr. Rawle's residence in England was shorter than he

contemplated, when he left New York. The war in America was drawing to a close, and he saw the necessity and propriety of returning to Philadelphia, as his place of residence and the scene of his future professional employment. In a letter to his mother, dated on New-year's day, 1782, he thus expresses his views.

"When I see the numerous Americans that are to be found in this city; many of them once lords of thousands, now torturing themselves to subsist upon the scanty stipends allowed them in compensation for the loss of their estates, I must confess it fills me with compassion. Hitherto I have in some measure, escaped the general wreck of fortunes, that so many have undergone. At least something, though small, remains secure; and I think myself obliged to risk it no longer, and not to involve myself in that want, which would throw me into an unwilling and burdensome dependence on my father-in-law, for whose virtues I have too much regard to wish to add to his sufferings. I doubt not, you will approve of my intention of returning to Philadelphia, and submitting to that authority which is there established. Though the step may be in some degree humiliating, yet I have nothing to fear, as I have nothing to charge myself with. I have in no one instance taken a decisive part on either side; unless that voyage to New York, which was the effect of filial duty should be urged as a crime."

"It is true that this is the most eligible place for every kind of improvement; but it is a melancholy farce to improve myself for situations I should never attain to,—for even if I should be obliged to give up the thoughts of returning to America, I should never expect to rise in this country,—the many hundreds of competitors that are to be met with in almost every line, render it almost impossible for a stranger to succeed,—and in the law particularly they are too numerous to leave a shadow of hope, to one so unknown and unsupported

as I should be. Besides which, the country itself is not by any means as agreeable to me as America once was, and probably will be again, when the present turbulence has subsided. The disparity of ranks is here so great and the destructive emulation of appearance and expense in the middle line so prevailing, that a fortune of £500 currency, a year, is in fact, more valuable in America than treble that sum sterling in England: I mean with respect to the weight and influence it would give, and the happiness and content it would afford. To return to my former situation at New York, and continue to waste my youth in absolute uselessness and inactivity, would be folly in the extreme."

He was advised by Mr. Eden to apply to the British Government for a pension, as a compensation for the loss of his paternal property which had been confiscated; and he was assured by many other friends that his application would be successful; but he declined at once, and positively, to allow any step to be taken for the purpose. "Besides," he said, "that the measure would tie me down in a manner that I do not approve of, I do not think myself entitled by any thing I have done, to ask for, and receive that allowance from the Government, which ought only to be extended to the loyalist, who has sacrificed his fortune in support of his Sovereign, and who is therefore entitled on the plainest principles of reason to a recompense for it."

Mr. Rawle left England in pursuance of his intention to return to America by way of France, and arrived at Ostend on the 26th of April, 1782, whence he proceeded to Paris. Here he stayed eight days only, "a time," he says with truth, "infinitely too short to gratify curiosity in a place so abundantly supplied with every thing wonderful in art; but I had the pleasure of meeting or making many friends. Dr. Franklin and his grandson are in perfect health: they live at an elegant villa three miles from Paris, and are

exceedingly caressed, and visited by people of fashion. Temple Franklin is a very sensible and accomplished young man," &c. I have before me the passport granted to him by Dr. Franklin, dated the 8th of May, 1782, and subscribed in his well known hand.

Mr. Rawle's journals and letters, written in France, are equally entertaining and agreeable, with those relating to Ireland and England. Besides an easy and attractive style of writing, he possessed a remarkable talent for drawing, which enabled him to illustrate his journals with sketches of scenery and figures, very naturally delineated. He was detained at Ostend and Boulogne a much longer time than he expected, principally in consequence of the difficulty of obtaining a passage in a suitable vessel. He finally left France on the 20th of November, and arrived in Philadelphia on the 17th of January, 1783; having been absent from his native place four years and a half.

Immediately upon his return, he resumed the study of the law, and was admitted to practice in the Court of Common Pleas, for the City and County of Philadelphia, on the 15th day of September, 1783.

On the 13th of November following, he was married to Sarah Coates Burge, a lady whose virtues and accomplishments gladdened nearly forty years of his life; and whom he had the misfortune to survive.

Mr. Rawle's professional career was not distinguished by early success. Like many others, who have reached the loftiest eminence at the bar, he found the first steps of the journey beset with difficulties and surrounded with discouragements. His progress was slow, and sometimes almost imperceptible, and he has told me more than once, that such were the obstacles he met with, and so strong his fears of being unable to derive enough from his profession to support his family, that he had determined at one time to

abandon it, and retire into the country to an agricultural life, to which he was always warmly attached. He was induced to persevere however; and by employing his hours of leisure, which were numerous, in study, and by careful attention to, as well as attendance upon the practice of the Courts, he was enabled to lay that solid foundation, without which, all professional success must be insecure and ephemeral. It was not, however, until ten tedious years had gone by, that he felt himself rooted in his position, and assured of success.

He was not slow, however, in acquiring the confidence and regard of his fellow citizens. On the 25th of July, 1786, he was elected a member of the American Philosophical Society; and at the general election in October, 1789, he was chosen a member of the assembly for the City of Philadelphia. This was his first and last appearance on the stage of political life. Although repeatedly urged at subsequent periods to accept of public appointments, and to take part in political operations, he uniformly and steadily declined. Neither his tastes, nor his views of duty, led him into the arena of party warfare. Content with the distinctions of professional life, and holding with the great masters of his science, that there can be no divided worship, he was willing to leave to others whose leisure or temperament adapted them to it, the anxious struggle for party triumphs. Not that his opinions were doubtful or unsettled, or that he looked with indifference upon public questions. The circumstances by which Mr. Rawle's early life and character were influenced, or coloured, have already been adverted to. A deep and abiding sense of filial duty, estranged him for a time, from the government of his native country; but when he was enabled consistently with that (to him) paramount sentiment, to return and take his place as a member of the new community, he became with sincerity and earn-

estness, in heart as well as in fact, a republican citizen. He gave in his adhesion (to use a modern phrase) to the existing government, from a sincere opinion of its superiority over those founded upon the monarchical principle; an opinion derived from a thorough and careful examination of the subject, as the writings which he has left behind him exhibit. In the introduction to his view of the Constitution of the United States, he remarks that "the history of man does not present a more illustrious monument of human invention, sound political principles, and judicious combinations, than the Constitution of the United States." To the principles of that class of public men, by whom this admirable instrument was mainly established, and under whose government it was administered for twelve years, he was firmly though not blindly attached. Holding generally the same doctrines, though not approving, as I have reason to believe, of some of the later measures of their political life, he declined the character and pursuits of a partyman. The only public office which he ever held, was that of Attorney of the United States, for the District of Pennsylvania, which was conferred upon him without solicitation, and voluntarily resigned by him. The commission, dated the 18th day of July, 1791, and signed with the venerated name of him who never conferred an office from an unworthy motive, is now before me. The appointment was made on that day to supply a vacancy, and was confirmed by the Senate on the 7th of November following. He resigned the office on the 6th of May, 1800, in the admistration of Mr. John Adams. During the period in which Mr. Rawle held the post of District Attorney, the Commonwealth of Pennsylvania was disgraced by two insurrections against the authority of the General Government; both of them as vulgar and sordid in their motives, as they were weak and disjointed in their operations. By direction of the President,

he accompanied the District Judge, and the military on the Western Expedition in 1794; and it became his duty to prosecute the offenders after the insurrections in that year, and in 1798, had been put down. In one instance, (the case of *Fries*,) the prisoner was capitally convicted: a new trial was granted on account of some informality in the proceedings: he was again convicted and sentenced to death, but afterwards pardoned. Mr. Rawle was also called upon to prosecute for other political offences. In the performance of these painful duties, I believe that he lost none of the respect of his fellow citizens of any political denomination. Firm in the execution of his office, he was, as I have had reason to know from his papers, far from making any unbecoming sacrifice of opinion to those from whom he derived it; and his deportment to those against, whom he was required to appear, was always characterized by mildness and forbearance.

In the M.S. to which I have before referred, there are some recollections of the latter part of the 18th century, which may not be improperly introduced here.

"Anthony Benezet honoured me with his friendship: he sometimes brought his MSS. to read them to me. One day he jocosely observed, 'Moliere had his old woman to whom he used to read his works; and thou, though a young man, shall be my old woman.' He was treated with great respect by his countrymen here. I once had some business to do with the French minister, the Chevalier de la Luzerne, and Anthony Benezet was good enough to accompany me to his house. The minister was a man of much state in his manners, but I was delighted to see how kindly and respectfully he received the good Benezet. He made him sit down in his own seat, and took a plain one by his side. '*Vous êtes le pere de tous*,' he said, as he pressed him into

his splendid arm-chair. Benezet was not a taciturn man: his conversation was always tinctured by philanthropy of the highest order. The situation of the negro race was, as may be supposed, his most frequent theme. His person was small, his countenance plain; but in conversation much animated. He commonly wore a suit of cotton velvet of a dark olive colour."

"Dr. Franklin towards the close of his life, formed a society to meet at his house once a week. Its appellation was 'The Society for Political Inquiries'—but general politics only were intended to be the subject of discussion—General Washington was one of the members; Robert Morris, Gouverneur Morris, Dr. Rush, George Clymer, Mr. Bingham, Mr. Wilson, Mr. Bradford, Robert Hare (an accomplished classical scholar,) and others to the number of 42 belonged to it. Thomas Paine (not then a wretched apostate,) was also a member. Questions for consideration were sometimes proposed at a previous meeting—sometimes suggested on the same evening,—chiefly by our venerable president. There was no formality of discussion. Dr. Rush, who had great powers of conversation, commonly took the lead. Gouverneur Morris was intelligent, sarcastic and abrupt. Dr. Franklin though very attentive, said but little after the subject was broached. Paine never opened his mouth; but he furnished one of the few essays which the members of the society were expected to produce. It was a well written dissertation on the inexpediency of incorporating towns. We used to assemble in the Doctor's library, at the house he then inhabited, standing back from Market Street, between 3d and 4th streets. It has since been taken down, and a street now passes over its site. His collection of books was extensive, principally however, in the French and English languages. They were not in general, expensively bound. The outside of a book was evidently not re-

garded by him. The society terminated at his decease. Its minutes are now in my possession, and are intended to be deposited in the Philadelphia Library."

Although resolved from the outset to devote himself to his profession and to allow no other employment to disturb his attention to it, a determination to which he strictly adhered during his continuance at the bar, Mr. Rawle yet readily lent his services and means to purposes of public good, and was always ready to unite in all reasonable schemes for the advancement of science, letters and taste. He was a member of most of the public institutions of his time, and to some contributed a valuable aid. I have already mentioned that he became a member of the American Philosophical Society, three years after his return from Europe. In 1789, he became a contributor to the Pennsylvania Hospital; and in 1791, a member of the society for the establishment and support of Sunday Schools; and in the following year he joined the society, instituted (according to its title,) "for the purpose of promoting the abolition of slavery, for the relief of free negroes unlawfully held in bondage, and for improving the condition of the African race," of which society he was chosen president in the year 1818, on the death of Dr. Wistar. It is proper here to remark, that Mr. Rawle's opinions and views on the subject of the abolition of Negro Slavery, ought by no means, to be confounded with those wild and absurd schemes which are prevalent in some quarters at this time, and furnish another evidence of the exaggerated philanthropy and extreme tendencies of the present age. He had too much of that old English endowment, called '*Common* sense,' but which every day seems to render less common, to suppose that emancipation was likely to be brought about by denunciation and abuse, or that it

can ever be effected with safety to either race, except by the gradual progress of opinion in the communities in which it exists; and he knew too well the character and value of the constitutional provisions on the subject of slave labour, to countenance any interference with the established rights of the masters. In his view of the Constitution of the United States, he treats in the same paragraph of the separate provisions in that instrument for the restoration of fugitives from justice and fugitives from service. "The states," he adds, "are considered as a common family, whose harmony would be endangered, if they were to protect and detain such fugitives, when demanded in one case by the executive authority of the state, or pursued in the other by the persons claiming an interest in their service."

In 1795, Mr. Rawle was elected one of the Trustees of the University of Pennsylvania; an office which he held until his death, and to the duties of which he applied himself during the period of forty years, with zeal and punctuality.

In the year 1805, he became a member of the Agricultural Society, and of the Humane Society; and took an active part in the establishment of the Academy of the Fine Arts; at the opening of which Institution, two years afterwards, at the request of the directors, he delivered a public address, in which he earnestly vindicated the claims of painting and sculpture, to the encouragement and support of a republican community.

In 1807, he was elected an honorary member of the Linnæan Society of Philadelphia, an association which I believe is not now in existence.

In 1819, at the request of the officers of the Philadelphia Society for promoting Agriculture, he delivered the annual public address before that body. In this discourse which was published by order of the Society, he discussed the

subject of emigration to this country, in reference principally, to its effects upon agriculture, and thence to the general interests of the community; and indicated some of the duties of the government towards emigrants, and of the latter towards the community into which they are received.

In 1822, Mr. Rawle was chosen a director of the Library Company of Philadelphia, an office which he had held some years previously; but he resigned the situation again, after only a few months continuance in it.

In the same year, on the decease of the venerable Jared Ingersoll, Mr. Rawle was unanimously chosen to succeed him in the office of Chancellor of the Society of Associated Members of the Bar. Shortly after his appointment, he delivered an address before the society, which was published at their request. In this discourse he reviewed the early Constitution and Laws of Pennsylvania, particularly "the Great Law," as it was called; treated of the equity jurisprudence of Pennsylvania, and the method of administering it; and suggested the expediency of granting additional powers to the courts to do justice, according to the mode of proceeding in chancery. "It is time," he concludes, "to reduce the uncertain corruscations of Pennsylvania equity, to the safe and steady light of Chancery. Some may, perhaps, dread the danger of innovation on a practice, which has continued for near a century and a half. Others may think that error can receive no sanction from time, and that while the genius of our countrymen, has, at least since the commencement of the revolution, been so active in almost every sort of political reformation, we ought not to decline the performance of a duty because of its toil, nor the improvement of a system on account of its antiquity."

At the next annual meeting of the society, he delivered a second discourse, which also has been published. The sub-

jects of this address are the character of the bar and the method of practice. After adverting to the general complaint of the laws' delay, he inquires into "the influence of our peculiar modes of practice, on the promotion of professional knowledge, the formation of professional character, and the progress of forensic proceedings." The difference between the subdivision of labour in England and the universality of our practice is, in course, adverted to. "With us," he says, "the term *lawyer* means a *genus* not a *species*. Liable to be called on in every branch of business connected with the profession, it is necessary that the American lawyer should be qualified for all: he is not merely a chancery lawyer, nor a civilian, nor a special pleader, nor a nisi prius lawyer. He forms a living, and a daily refutation of the opinion, that the science is too comprehensive to be all undertaken by one man."

He then proceeds to give some interesting recollections of the worthies of the olden time,—of Mr. Chew, Mr. Wilson, Mr. Sergeant, Mr. Lewis, Mr. Ingersoll, Mr. Edward Biddle and Mr. George Ross; and discusses the question of the cause of the slow progress made in our judicial proceedings. "I incline to think," he says, "that it is to be found in the length, or rather, the manner of our speeches. On the trial of issues in fact, the examination of witnesses does not generally consume more time with us than in England. Indeed their cross-examinations are commonly more dilated than ours. But speeches of the great length to which we are accustomed, are there unknown. An hour is deemed a large space of time for an address to a jury. The same moderation is carried into the discussion of arguments in banc. Nine eminent counsel were engaged in the celebrated case of *Lindo* against *Rodney*, which I had the pleasure of hearing. It occupied but two mornings. With us it would probably have employed as many weeks. The great cause of delay

with us is the introduction of books, reading entire cases and discussing every case that is read; a practice entirely unknown there." Then on the question how may this evil, which certainly has not diminished since the date of his discourse, be corrected;—he tells us that in Athens the duration of a speech was regulated by the *clepsudra*, (or hour-glass) under the direction of the court, and that from some of the epistles of Pliny it may be inferred, that after the reign of the emperors commenced, the Athenian practice was occasionally adopted at Rome. He concludes, however, that such a power could not safely be lodged in the bench here, consistently with our ideas of "Virtue, Liberty, and Independence," and that after all, the best hour-glass is public opinion.

About the period of these addresses, Mr. Rawle was twice offered by Governor Hiester the situation of Presiding Judge of the District Court of the city and county of Philadelphia. In both instances he respectfully declined the office. Not that he was averse to a judicial station, for which his intellect, acquirements, and temperament, well adapted him; but at that time, I believe, his practice yielded him considerably more than the compensation allowed to a judge by our ingenious system; and he considered himself under an obligation of duty, to persevere in the toilsome and arduous occupation from which he had hoped long before to have been permitted to retire. Domestic circumstances, however, into which it is not requisite for me to enter, made it necessary for him to continue his professional labours, far beyond the period at which they are usually suspended, and prevented his acceptance of an office, which there is every reason to think, he would have filled in a manner worthy of its importance and dignity.

In 1825, Mr. Rawle published his "View of the Constitution of the United States." This is a plain practical and

intelligent description, and explanation of the theory and operation of our political system. The introduction contains an historical account of the Colonial Governments of the several states, and of the federative system under which these states were nominally held together, for general purposes previously to the year 1787. The author then proceeds to consider the several branches of the government of the United States, legislative, executive, and judicial; specifying the several provisions of the constitution in regard to each; explaining their import and bearing; and applying to them the various decisions that have taken place in the Supreme Court and other tribunals. Mr. Rawle's general views on political subjects, led him to concur in the construction which has been given to the powers of the Federal Government, by the Supreme Court; but he has not adopted those opinions blindly, and in some instances has expressed his dissent from the judgments of that court. The volume concludes with a chapter on the blessings and benefits of the union, and of that invaluable constitution by which those blessings and benefits are secured, and it is to be hoped perpetuated: and the author finishes his work with a quotation from the farewell address of that illustrious man, "whose character," he remarks, "stamps inestimable value on all that he has uttered, and whose exhortations on this subject, springing from the purest patriotism, and the soundest wisdom, ought never to be forgotten or neglected."

The opinion entertained by the public of the value of this treatise, is shown by the circumstance of its having gone through three editions, and having been adopted as a text book of instruction in several of our literary institutions.

In the month of June, of the same year, (1825,) the Historical Society was established. Mr. Rawle took an active part in its formation, and was unanimously chosen presi-

dent; an office which he held, with I am sure, the equally unanimous respect and affection of the members, until his death. On the 5th of November following his election, he delivered an inaugural discourse before the members of the Society, which forms the first article of the transactions, and serves as a suitable introduction to the many valuable communications which have been published.

In this discourse, after explaining the objects of the society, and the method in which they proposed to accomplish them, Mr. Rawle, as an illustration of the importance of historical inquiries, reviewed certain theories on the subject of the origin of the Indians of this Continent, and discussed the question of the right of the European race to dispossess them, with great force of argument, and with his characteristic kindliness of disposition and christian temper. In conclusion, he expressed a hope, that the Historical Society, would not like too many others, be characterized by "vivacity of inception, apathy of progress, and premature decay." "The treasury of literature," he adds, "is grateful for the widow's mite. Let all contribute what they can, and they will contribute what they ought: let no opportunity be lost in throwing into the common stock, not only what may be collected of times that are past, but whatever may be of interest in relation to time that is present."

Mr. Rawle did not confine himself to a preliminary effort. He took an active part in the business of the institution, and a warm interest in its success; and he punctually attended the meetings of the council until disabled by bodily infirmity.

In February, 1826, he made a communication to the society, touching the valedictory address of President Washington; which was referred to a committee, consisting of himself, Mr. Morgan, and Mr. Ingersoll. Those gentlemen,

it is known addressed letters to several distinguished friends of Washington, who yet survived; and obtained from them information exceedingly interesting in a literary point of view; but far more important from the conclusive proof it afforded, that the farewell address was throughout written by the venerable patriot, whose signature is affixed to it. About the same time, Mr. Rawle communicated to the society, a "Vindication of the Rev. Mr. Heckewelder's History of the Indian Nations." He also furnished a "Biographical Sketch of Sir William Keith," one of the Governors of the Province of Pennsylvania; though his name is not given to this article: and "A sketch of the Life of Thomas Mifflin," the first Governor of Pennsylvania after the revolution. These, I believe, are all his contributions to the stock of the society; and they certainly, prove not merely his regard to his duties as a member, but the activity of his mind, and the variety of his knowledge.

The opinion entertained by a distinguished literary institution of his learning and worth, was manifested by the degree of LL. D., conferred upon him in September, 1827, by the College of New Jersey. The distinction is believed, to have been entirely spontaneous on their part, and was certainly unexpected by him.

In the year 1830, Mr. Rawle was appointed by Governor Wolf, one of the three commissioners, whose duty it was to "to revise, collate, and digest all such public acts and statutes of the civil code of this State, and all such British statutes in force in this State as are general, and permanent in their nature," and to consider, and report, what alteration and improvements were required therein. Mr. Rawle was the first named in the commission, and his appointment was universally approved. He brought to the important and difficult task, which at the age of seventy, he thus undertook, an ample stock of legal and general know-

ledge, great personal experience of the operation and practice of the laws, and withal an activity of mind, and earnestness of purpose, which are seldom displayed at that time of life. During the four years of employment under this commission, his colleagues found him always ready for business, always prepared with his quota of work, always prompt in communicating his abundant knowledge, and equally disposed to receive the suggestions of others, and remarkably free from prejudice or tenacity of opinion; and they have the satisfaction of reflecting, that although in the course of their arduous labours they occasionally differed from him in views of subordinate matters; yet, that in all important questions, their conclusions were as unanimous as their intercourse was harmonious.

Mr. Rawle joined in all the reports made by the commissioners to the Legislature, excepting the last; which was prepared and transmitted in March 1836, a few weeks only before his decease.

In the year 1830, Mr. Rawle presided at a town meeting held in consequence of the then recent revolution in France, and was placed at the head of a committee appointed to convey the resolutions adopted by the meeting, to General La Fayette. I have before me a copy of the letter, in the hand writing of Mr. Rawle, addressed to General La Fayette, and the original of the answer in the hand writing of that eminent person.

In 1831, Mr. Rawle received an unexpected and gratifying evidence of the affection and respect, with which he was regarded by his professional associates. At a meeting of the members of the Bar of Philadelphia, held on the 20th of December, it was unanimously resolved, that they were "desirous to express their respect and regard for their venerable associate, and to preserve a likeness of one who has contributed to

do honour to his profession;" and they accordingly solicited him to sit for his portrait, to be painted at their expense, and to be placed in the room of the Law Library. The request was complied with: a very striking likeness was produced by Mr. Inman, and now occupies its destined position along side of the portrait of Chief Justice Marshall, painted at the request of the same bar, and not far from that of his old friend William Lewis; whose very striking portrait painted by Stewart, was within a few years, found among the lumber of an auctioneer's store-room, and presented to the Bar by Mr. Head.

Shortly after this, Mr. Rawle delivered by request, an address before the Law Academy. The subjects which he chose were the importance of adequate preparation of knowledge for the study of the law; which he explained and enforced with great earnestness and emphasis. In concluding this discourse, he paid a merited tribute to the eminent and distinguished individual who presides over the Philosophical Society, and who now so worthily fills the situation which he at that time held, of President of this Society. "It is almost half a century," he said, "since the commencement of an acquaintance, and the formation of a friendship with your learned and amiable Provost, who after fighting the battles of his adopted country, immediately turned his attention to the study of her laws. Neither the variety of his literary pursuits and accomplishments, nor the pressure of age, have interrupted the countinuance of his devotion to this exact and interesting science. May you, my young friends, imitate his example. May you all be convinced, that those who unlike him, relinquish the improvement of the mind before its faculties have failed, will find in the torpor of age neither dignity nor happiness."

In 1831, at the request of the Philosophical Society, Mr. Rawle prepared a short biographical account of his early

friend, Zaccheus Collins, who had died a short time previously. This memoir was, I believe, the last of his merely literary compositions. His time during this, and the two succeeding years, was mainly employed in the revision of the laws; and he had little leisure, if he had the desire, to appear again as an author.

His constitution too began to give way. For sixty years he enjoyed almost uninterrupted health. About ten years before his death, he was attacked by a distressing complaint, which required all the skill of his eminent physicians to subdue; and to prevent the recurrence of which, he was kept under a rigid and particular diet; abstaining almost altogether from vegetable food.

During the year 1835, his bodily infirmities increased rapidly, and he was seldom able to leave his house; but his mental vigor and activity were unabated. He read a great deal; and few men have found greater enjoyment in books, or more fully verified and realized Cicero's description of them. Literature was in truth the delight and ornament of his youth, the relaxation of his manhood, and the solace and comfort of his declining years. He was, during a great part of his life, unfortunately subject to inflammation of his eyes, which disabled him from reading at times, and especially at night; but he was never without those, who were happy to be the means of imparting gratification to him, and whose filial piety, doubtless finds in the recollections of duty well performed, some alleviation of the loss they have experienced.

After a confinement of severals weeks to his sofa, or bed, during which the decay of nature was gradually taking place, not unaccompanied with painful and distressing ailments, which he endured with great fortitude and composure, our venerable friend and associate departed this life on the 12th day of April, 1836.

In the preceding pages I have endeavoured to comply with the request of the society, by submitting to them a memoir of the life of their deceased President. I have not written his Eulogy. Neither their wishes, nor my disposition tend that way. The language of overstrained praise, would be unsuitable to the simplicity of his character.

It is proper, however, before closing this paper, that I should mention some of the principal features of a character, which, in childhood, I learned to regard with a respect and affection, which the almost daily intercourse of after life in no wise lessened.

Mr. Rawle was an accomplished jurist, a good scholar, and a person of great taste and great general acquirements. His reading in early life had been extensive; and he brought to his professional studies a discriminating and healthy mind, which enabled him to make the best use of what he read. His learning was not confined to the Jurisprudence of England and America, but extended much deeper into that of the ancient and modern law of the continent of Europe than was usual in the last century. His professional business for the twenty years between about 1793 and 1813, was very great, and his income large. His name appears in most of the important causes of that period, and his arguments always commanded the attention and respect of the court. His address to a jury was simple in diction, always free from unnecessary ornament, but earnest and impressive. I have already said that his deportment was conciliating to his adversaries; and I believe that it may be said with truth, that he never made an enemy at the bar.

His classical knowledge was more extensive and accu-

rate than that of most men in this country, not scholars by profession. He read a great deal, and to a late period of his life, in the Roman authors. Many of his editions belonged to his grand-father, William Rawle. With the Greek writers, he was not so familiar; though he made the Greek Testament a frequent study. He was fond of poetry; and at one period of his life, wrote a great deal of it and very agreeably; but, I believe, few of his verses are left. I have mentioned in another place, that he drew and painted well. I have seen sketches of his, that would do credit to artists of reputation.

These, however, were the mere ornaments or externals of a character, the fabric or substance of which was great moral worth, founded upon and sustained by religion. Mr. Rawle was at all periods of his life a devout man. He had thought, read, and written, much on the subject of religion. I have perused many MS. volumes, written by him on the evidences, doctrines, and working of our Christian faith; and have found reason to admire the extent of his research, the wisdom of his remarks, and the gentle and Catholic spirit by which they were dictated. He was a sincere believer in the fundamental doctrines of the Christian religion. He admired its beautiful morality, and was deeply sensible of its adaptation to the wants of society. In the latest years of his life, religion occupied a large portion of his thoughts. As the shadows of evening gathered round him, he seemed desirous to close the shutters upon all mere human speculation, and enlightened and warmed by the faith of the Gospel, to commune with his own heart, and prepare himself for the great event that was drawing nigh. This is not the time for the publication of any of his devotional writings or speculative opinions. Hereafter possibly they may see the light. I will only add, that by birth, a member of the Society of Friends, Mr. Rawle never ceased to entertain the

highest respect for that excellent body, and generally attended their place of worship when his health permitted, although he differed from them in some points of opinion, respecting language and attire. Mr. Rawle's religion as I have intimated, was not an abstract or inanimate speculation. It governed and influenced his whole life. It controlled and tempered him during many years of prosperity, and sustained and comforted him in later days of distress, and misfortune.

With qualities of mind and heart, such as I have mentioned, Mr. Rawle passed a life of seventy-six years, without stain or reproach. Popularity, perhaps, in the prevailing acceptation of the word, he did not seek to possess. That "habitation giddy and unsure" which in the words of the poet, he hath "who buildeth on the vulgar heart," it was not his ambition to possess. He sought and acquired that enduring reputation which is founded on the good opinion of the wise and virtuous of this world; and may we not hope that at the close of that venerable life

"the ETERNAL MASTER found
The talents lent him well employed."

APPENDIX.

A.

In Lyson's Magna Britannia, vol. iii., p. 113, I find the following account of the family of Rawle among other gentry resident in Cornwall.

"Rawle, of Hennet in St. Julliot, settled at that place as early as the reign of Edward IV. Their representative, and the present proprietor, William Rawle, Esq., resides at Liskeard," and afterwards—

"The manor of Tresparret in this parish (St. Julliot) belongs to Wm. Rawle, Esq., in whose family it has been for many generations. Mr. Rawle has also the manor of Tremorell, or Tremorvell, which belonged to the baronial family of Bottreaux. Hennet, formerly a seat of the Rawles, is now a farm house," &c. —p. 152.

"The manor of Tregartha, which had been purchased of the Eriseys, by Trelawney, before the year 1620, is now the property of Francis Rawle, Esq."—p. 224.

In *Besse's* account of the sufferings of the Quakers, vol. i., p. 163; is a list of persons confined in the High Jail of Devonshire, for opposition to the established Church, and supporting the tenets of the Quakers: among whom were *Francis Rawle*, and *Francis Rawle, Jr.* This was in 1685.

I am indebted to Joshua Francis Fisher, Esq., for these extracts.

B.

This Book or rather pamphlet, remarkable as the first original essay, published in Pennsylvania, and the first work printed by FRANKLIN, is in the valuable collection called, the Loganian Library; and I suppose, that this is the only copy extant. The title is as follows: "Ways and Means for the Inhabitants of Delaware to become rich: wherein the several growths and products of these countries are demonstrated to be a sufficient fund for a flourishing trade. Humbly submitted to the Legislative authority of these Colonies. Nemo seipsum natus est. Printed and sold by S. Keimer in Philadelphia. MDCCXXV." (65 pages, 12mo.)

From the introduction it appears, that the trade and commerce of the provinces on the Delaware, were at the time at a very low ebb; the low price of grain, and the want of a suitable currency,—gold and silver being the only circulating medium, and that almost totally exhausted; having involved the community in difficulties and embarrassments. The author avers that he was "sorrowfully affected" when he considered that the province, "which was settled with a sober, religious, and industrious people, who were of no mean circumstances in their native country, should be so soon reduced to so low a condition." And "I cannot doubt," he adds, "but every honest man finds a secret joy in contributing any thing to the happiness of his country, either in respect of wealth, good laws or liberty, as knowing he is not born for himself." He then proceeds to consider what "the true riches of a country consist in," and argues first, "negatively," that they do not arise from

1. Extent of country or soil.
2. Population simply.
3. Fertility of soil, and consequently,
4. Abundance of country produce.
5. Nor in paper money.

He proceeds to sustain this position, by examples from the history of Spain, and other nations; and then undertakes to show that "the riches of any country may be said to consist in an even ba-

lance in its favour, in all trade it is engaged in, with the several countries it trades withal."

This theory is developed in a discussion of some length, in which the trade with Europe and the West Indies is considered; and the author proceeds to show how the balance of trade may be brought in favour of the province, which he thinks is to be effected by a proper encouragement of the products of the province, by manufacturing and exporting them. The various productions of the province are enumerated, and remarked upon.

1. *Wheat*—Which he says, is "the chief staple of our trade," and which, he thinks, ought to be manufactured into flour before it is exported, on account of the employment it thereby gives to industry, and the higher value of the article. To increase the cultivation of wheat, he proposed that a bounty of*
per bushel, be paid for all the wheat which shall be exported to the Continent of Europe. "The bounty to be raised by a land tax, or a duty on rum, or as the Honourable Assembly may think fit." He adds a caution, however, "that it be not given to any New England vessels trading here; for we not being so well situated for trade, lying so far up a river, they will fetch in wheat, manufacture it, and send it to the West Indies, continue the glut of that market, and under sell us, which will frustrate the good end hereby intended."

2. *Barley*—The cultivation of which, he thinks, will have the additional advantage of superceding the use of distilled spirits or foreign liquors.

3. *Oats.*

4. "*Tobacco* has been formerly planted in this colony, and considerable quantities made; but the price of late years have been so low, the planting has been discontinued, to the loss of the planter; and greater disadvantage of the merchant, by want of that commodity to make return to Britain."

5. "*Hemp* is another artificial product of this river, the raising whereof ought to be encouraged by a bounty." He recommends the culture of Hemp, for the purpose of supplying the British Navy

* Blank in the original.

with cordage, and urges a bounty, from the low price of the labour of the Serfs of Russia, with which our American labour would come in competition.

6. *Flax*—Which he thinks ought to be raised and manufactured, so as to supercede the India calicoes.

7. "*Paper*—Another manufacture, is what we are fallen into of late years, and in time may be improved equal to Dutch or French paper."

8. *Linseed Oil.*

9. *Distillery* is "another art or mystery we are capable of," though he considers the abuse of it as "very prejudicial to human nature."

10. "*Rice* is another species of grain this country is capable of; which grows and thrives very well here on new land, with no other tillage than what Barley requires, and is sown after the same manner; which is easier and with less tending than in Carolina."

He then mentions other products of Pennsylvania, which are spontaneously produced, viz.:

1. *Timber.*

2. *Copper*—"Which," he says, "we have a doubtful prospect of."

3. *Iron*—"Of which," he says, "from experiments made we have great plenty, and very good both for shipwork and husbandry." He quotes a passage from "the judicious Locke," respecting the value of Iron, and suggests the expediency of building ships for the English, and supplying them with naval stores.

4. "*Limestone* we have in great plenty, also *Slate* and *Marble.*"

5. *Isinglass*—"Which may suit for window lights," &c.

"Here is also *Cotton Stone*, of which Handkerchiefs, Gloves or Purses may be knit, and when foul are cleansed in the fire; which like gold it endures without any change."

The author then returns to the subject of Paper Money, which he argues to be necessary to supply the want of cash, of which the course of trade had drained the province. He argues, however, that due care ought to be taken to preserve the value of the paper

currency, by restricting the amount of the issues. The rise of exchange, which he says, has been erroneously attributed to the paper currency, was really occasioned by "the exceeding scarcity of gold." He adds, that he has omitted *Horses* among the products of the province, that ought be exported, and suggests the improvement of the breed: proposes the establishment of an Insurance Office, to insure Merchants against Maritime Losses, which he says, is the practice in England: suggests that it be established by the Legislature, and supported by a fund arising out of the interest of the Loan Office; and concludes with a summary of his suggestions, recommending that the articles of export be "well saved, well packed, sound, and merchantable:" "this," he adds, "will tend to their honour and interest."

Philadelphia, 3d June, 1837.

THOMAS I. WHARTON, ESQ.

My Dear Sir,

I sit down with pleasure to comply with your request, by committing to writing my recollections of our lamented friend, William Rawle, during an acquaintance of more than fifty years. Unfortunately, I cannot add much to what you have related in your interesting Biographical Notice, presented to the Historical Society of Pennsylvania, which is to be published in the forthcoming volume of their Memoirs. During the greatest part, I may say, almost the whole time of our acquaintance, Mr. Rawle and I were engaged in a laborious profession, which affords little leisure for social intercourse; and though our literary tastes were in most things similar, such was the nature and urgency of our daily occupations, that we were seldom allowed to indulge our inclination, to wander into more flowery paths; for the law, as you well know is a jealous mistress, and requires undivided attentions from her votaries. The life of a lawyer in the full practice of his profession, offers very little but the dull and dismal round of attendance upon courts, hard studies at night, and in the day fatiguing exertions, which however brilliant, are confined to a narrow theatre, and leave nothing behind but a blaze of reputation,

and the echo of a name. Had Mr. Rawle had leisure to pursue the scientific labours, which he so successfully began, in his view of the Constitution of the United States; a full length picture of his mind would have been found in the various works, which his genius and immense fund of knowledge enabled him to produce. An author's life, it is said, is found in his works; but where is the life of an eminent lawyer or physician, whose days and nights have been devoted to the exercise of their professions. The names of Lewis and of Kuhn, are dear to their contemporaries; but the next generation will probably forget them! It will not be so, however, with William Rawle; though he has left little behind him, that little is of such sterling weight, and value, as will transmit his name with honour to posterity.

You will now easily understand, why I can add but little to the stock of information which you have collected, of the life of our excellent friend. A few occasional anecdotes, are all that I can contribute, as they occur to my memory. After the first pangs of separation, such recollections are pleasing to the mind. I dwell upon them with pleasure, while I commit them to paper, and leave it to you to make such use of them as you will think proper.

Mr. Rawle could not boast of an *Anglo-Saxon* descent. His origin must be traced to the conquerors of the Anglo-Saxons,—the Normans. His name is evidently (with a little variation in the orthography,) the same as that of *Raoul*, the first Duke of Normandy, who in the year 912, obtained the sovereignty of that province from Charles the Simple, King of France, who also gave him his daughter Giselle, in marriage. He was an ancestor to William the Conqueror. The monkish annalists, in their bad Latin, called him *Rollo*, but it is an ascertained fact, that his name was *Raoul*, which afterwards became very common in France, particularly in Normandy, whence it passed over into England,

where the English *w* was substituted for the French diphthong *ou*. This etymology was often talked over between Mr. Rawle and me; he freely admitted it, and though a Quaker, did not seem displeased to bear the same name as the conqueror.

My acquaintance with Mr. Rawle began in the year 1784, when I was studying law under William Lewis; at that time, the most celebrated lawyer in Philadelphia, and perhaps, in the United States. Lewis was the son of a plain farmer in Chester County, who sent him twice a week with his truck to the market in this city, which he carried in a little cart with one horse. The Courts of Justice then sat in the Court house, lately pulled down, at the intersection of Market and Second Streets. After disposing of his vegetable store, the lad hitched his horse to a post, and went into the court house to hear the lawyers plead. After attending there for some time, during repeated visits, he was at once struck with the idea, that he also could speak, if he had only the requisite knowledge. Nature had endowed him with a clear discriminating mind, a retentive memory, a powerful vocal organ, and an admirable fluency of speech. Nature had designed him for the legal profession. He felt the impulse; it was irresistable. Like Corregio, he exclaimed, *Son pittore anch'io;* "I, also am an orator, and why should not I be a lawyer as well as those whom I hear prattling around me?" Full of this idea, he went to his father, and told him he was determined to study the law, and adopt it as his profession. His father laughed at him; and well he might, for his education had not extended farther than reading, writing, and common arithmatic. He was not, however, discouraged: he did not give his father a moment's rest, until he put him apprentice to George Ross, then the most eminent lawyer in this city; under whom his progress

was rapid. A few years after his admission, he was found at the head of the legal profession.

I was studying then, under this able master, when I first became acquainted with Mr. Rawle. I had gone through Blackstone's Commentaries, and Wood's Institutes, and was advised to enter upon the study of *Coke upon Littleton*. I wanted to have a copy of the work all to myself, to read it at my ease; but it was not easy to be procured. After many fruitless applications, I bethought myself of putting an advertisement in the newspapers, in which I offered to give a set of Valin's Commentary on the French Marine Ordinances, in exchange for the book I so much desired to have. To my great astonishment and delight, I received a note from Mr. Rawle, (then unknown to me,) accepting of the offer. I went immediately to his house, where the bargain was concluded, and an acquaintance began between us, which afterwards ripened into friendship.

I took home the longed for volume, and immediately entered upon its study. I had then no time to lose, for I had also to perform the duties of my office of Notary public and sworn Interpreter of foreign languages, to which I had been appointed, by the Executive Council, in the preceding year. It is not to be wondered at, therefore, if there was at that period no communication between Mr. Rawle and myself, while I was so actively and incessantly engaged. At last, at June Term 1785, my good master, Mr. Lewis, who had followed my progress, and had always been ready to assist me with his lessons and his advice, which I found of immense use and advantage to me, after a long and strict examination, thought he might venture to move for my admission as an attorney of the Court of Common Pleas, for the city and county of Philadelphia. Mr. Rawle and Mr. Sergeant, (the father of our distinguished fellow citizen,) were appointed my examiners.

I met them with a trembling heart. The examination was begun by Mr. Rawle. To my utter astonishment and dismay, he proceeded to examine me on the civil and maritime law, and on the *jus postliminii*. I learned afterwards, that he did so out of kindness to me. I had exchanged with him, Valin's Commentaries for Coke upon Littleton. He thought I must be more familiar with the former books than with the latter; but it was quite the reverse. Mr. Sergeant relieved me by asking me questions out of the books that I had studied. Mr. Rawle fell in, and pursued the same course; after which I had the satisfaction to be distinguished with a

> Benè, benè respondere,
> Dignus, dignus es entrare
> In nostro docto corpore.

On the favourable report of these Gentlemen, I was admitted. From that moment, Mr. Rawle showed me marks of particular friendship. I visited him frequently, and was always kindly received. I was in a manner domesticated in his family. For some time we engaged together in the study of the German Language, of which, I had gained some slight knowledge in the family of Baron Steuben. We did not pursue it long together: the interruptions of business did not permit it. However, I know that he continued afterwards the study of that language; but to what exten het acquired it, I cannot exactly tell. I remember that one day we were sitting together in the court room, at a meeting of the bar, for what was called *Settling the Dockets*.*

* I do not believe that there is a gentleman at our bar, myself excepted, who knows the meaning of the expression, *Settling the Docket;* as it has long sinee fallen into disuse. The lawyers used to meet at the beginning of every term at the Prothonotary's Office, or in the Court Room, where all the actions on that docket were successively called over by the Clerk, and were put at issue, marked for trial, or continued. Rules to declare, or plead were taken, pleas and replications were given, and judgments confessed; and

In the intervals of business, the lawyers would converse with each other; and a great deal of mirth and good humour generally prevailed. On that occasion, the conversation turned upon ignorant judges, who were not a rarity at that time; when the President of the Court of Common Pleas, was an honest Justice of the Peace, who kept a little shop some where in Chesnut Street, and knew no more of law, then he did of Greek. Many hackneyed stories, well known among the profession, were related upon the subject. While this was going on, I wrote on a small slip of paper the following German Epigram, which I had read some where, and handed it across the table to Mr. Rawle.

Mein Sohn! weist du was,
Bist ein advokat;
Mein Sohn! weist du nichts,
Bist ein Geheïmer Roth.

Mr. Rawle immediately wrote, and sent to me the following poetical translation.

Our Tom is a wit, at the bar he will drudge;
Our Will is a fool, and we'll make him a judge,

This shows that he was not unacquainted with the language of Schiller and Goethe.

Among the marks of friendship which I received from Mr. Rawle at that period, I shall never forget that he was the first who took me in as assistant counsel in a cause of some importance. It was a Quaker cause, of a mercantile

causes were marked for trial, or argument. All this was done *vivâ voce*, and short entries were made by the Prothonotary, from which the lists of trials and arguments were made out at each term. The dockets of the Supreme Court, and of the Common Pleas, were settled in the same manner. I am told that the practice is still followed in some of the County towns of this State.

character. More I do not recollect, except the name of our client, which is here of no consequence. To me, a stranger in the land without connexions, and at the beginning of his career it was rendering a great and an essential service. It was also a mark of confidence, for which I felt grateful ever after; and I often took occasion to remind Mr. Rawle of it, and express to him again and again the sentiment of gratitude, with which it had inspired me. I am happy in this opportunity of recording it.

It was not, however, that I wanted business. My notary's office kept me much employed. On looking at my docket for September Term, 1785, the first after my admission, I find I was then concerned in twenty-one suits, either for plaintiff or defendant. It was a pretty good beginning. Indeed, I had begun to practice since the year, 1783, in the name of a young attorney, called William Murray, Jr., who soon after I was admitted, left this for the western country, where he died. Thus I became acquainted with the forms of proceeding. But I was not the less obliged to Mr. Rawle, for distinguishing me as he did; which gave me a standing at the bar, which I could not have expected for many years to come. I am happy in this opportunity to pay a grateful tribute to his memory.

I was not the only young man whom Mr. Rawle thus patronized; for benevolence was a strong trait in his character. I particularly remember a foreigner whom he generously took by the hand, and by his recommendations, introduced into business in the line that he professed, and who afterwards repaid him with the blackest ingratitude. I forbear saying more upon this subject. I must not disturb the ashes of the dead. The ungrateful man gradually lost by his conduct the esteem which Mr. Rawle's friendship, and some talents that he possessed, had obtained for him. He left this country, and went to England where he died.

There are, probably, persons yet living who will know to whom I allude.

I married in the year 1788, and from that time, I began to lead a very retired life, attending only to the duties of my profession. My intercourse, therefore, with Mr. Rawle, was not so frequent as it used to be. We met in courts of justice; in a friendly, but not so intimate a manner as theretofore. In the same year the Federal Constitution was promulgated. We took different sides. I regret to say, that I belonged to what was called the anti-federal party. I thought I was right: subsequent events have proved that I was in the wrong. The French revolution followed; and parties became still more exasperated. Under the administration of the elder Adams, Mr. Rawle was made District Attorney. This brought us still more in opposition to each other; for in the great political causes, and in the prize causes, which at that time were so numerous, we were almost always engaged on opposite sides. Notwithstanding all this, I can say with truth, that our mutual esteem never suffered any diminution. We met as antagonists, but always parted as friends. In all our forensic debates, and they were numerous, I do not remember a single harsh expression, or even a word that could inflict a wound on one or the other of the combatants. Mr. Rawle was sometimes satirical: he never suffered an unguarded expression of mine to escape, without some good stroke of wit, that was any thing but amusing to me; but it was always done in such a delicate good humoured way, that it was impossible for me to take offence; and I well remember that once when I had in an address to a jury, fairly laid myself open to his shafts, I begged of him to spare me in his reply, which he was kind enough to promise, and kept his word.

In the beginning of the present century, during the reign of the embargo, non-intercourse, and other restrictive mea-

sures, produced by the British orders in Council, and the Berlin and Milan decrees, a great number of causes were carried up from this city to the Supreme Court of the United States. The counsel engaged in those causes, were in the habit of going together to Washington, to argue their cases before that tribunal. These were Mr. Ingersoll, Mr. Dallas, Mr. Lewis, Mr. Edward Tilghman, Mr. Rawle and myself, who am, alas! the only survivor of that joyous band. We hired a stage to ourselves, in which we proceeded by easy journies. The court sat then, as it does at present, or did until lately, in the month of February; so that we had to travel in the depth of winter, through bad roads, in the midst of rain, hail and snow, in no very comfortable way. Nevertheless, as soon as we were out of the city, and felt the flush of air, we were like school boys on the play ground on a holiday; and we began to kill time by all the means that our imagination could suggest. Flashes of wit shot their corruscations on all sides; puns of the genuine Philadelphia stamp were handed about; old college stories were revived; macaronic Latin was spoken with great purity; songs were sung, even classical songs, among which I recollect the famous Bacchanalian of the arch-deacon of Oxford, "*Mihi est propositum in tabernâ mori;*" in short, we might have been taken for any thing but the grave counsellors of the celebrated bar of Philadelphia.

The Emperor Napoleon was right, when he told the great actor Talma, that he did not know how to act the part of kings, when conversing with their confidential friends. "You make us speak," says he, "as if we were in a public audience in the full display of majesty. You should, on the contrary, make us speak exactly like other men; when in the bosom of our families, and with our intimate friends, we take off with great pleasure, the mask that we have been obliged to wear in public; and freed from that troublesome

constraint, we sometimes say and do more foolish things, than those who are always at liberty to do as they please." So did the Philadelphia lawyers, when they had left the bar and the judges many miles behind them. Mr. Rawle was not so excited as some of us were: he was always mild and placid, but his strokes of wit produced the greater effect, as they came from him naturally and without study or pretensions. Mr. Ingersoll sat serious and composed, thinking of his causes, and little inclined to mirth. I sometimes thought of addressing him with *Cur in theatrum, Cato severe venisti?* I shall always remember with pleasure, those delightful journies, in which we all became intimately acquainted with each other; for on such occasions, when free scope is given to the imagination, men appear in their true characters, and no art can prevent them from showing themselves as they really are.

Our appearance at the bar of the Supreme Court was always a scene of triumph. We entered the Hall together, and Judge Washington was heard to say "This is *my* bar." Our causes had a preference over all others, in consideration of the distance we had to travel. The greatest liberality was shown to us, by the members of the profession, who usually attended that court. It was really a proud thing at that time, to be a *Philadelphia lawyer.*

We returned home, of course, in the same manner that we had proceeded to the capitol. We occasionally met with accidents in going or returning, but none that is worth relating, except the one that I am about to mention. It was in the year 1808. I had argued against Mr. Rawle, the cause of M'Ilvaine *v.* Coxe (4 Cranch, 209.) The main question in this case was, whether a native of New Jersey, who had left this country shortly after the Declaration of Independence, and had ever since resided abroad and always adhered to his first allegiance, was to be considered

as a citizen or an alien. I contended that he was born a British subject, and remained such through life. On the other side, it was argued that the revolution was a *new birth*, and that on Independence being declared, he was made a citizen *against his will*. On this I observed, that I had never heard of a surgical operation, by which the subject was extracted from the womb, with the revolutionary *forceps*. This produced much mirth on the bench and at the bar, as did the strokes of keen wit which Mr. Rawle, who was a counsel on the other side, shot at me in reply. On the whole, however, I lost my cause; and the obstetrical operation was decreed to have been *secundum artem*.

This little incident would not be worth relating, if it were not for the comico-serious accident that it produced. The cause that I have mentioned, being the last we had to argue, we immediately afterwards set out on our return home. The argument of that cause was yet fresh upon our minds, and became the subject of conversation, on our way to Baltimore. We were all in very high spirits; and the *forceps* was found a very good subject for raillery. Mr. Rawle had said something about a poker, which hit the fancy of our colleagues, and which I cannot now remember. When the spirits are high, any thing will do to found a jest upon. So that the poker and the forceps became the common topics of our conversation. Every one cracked his joke upon one or the other. Fingers were pointed at us, in imitation of those instruments. To such a degree was our mirth carried, that our Irish driver, listening to us, did not perceive a stump that was before him: the carriage made a terrible jolt, our Phaeton was thrown from his seat, the horses took fright, and ran away with us at a dreadful rate. A river or creek was before us, and the bridge was not very safe. It was determined to jump out of the carriage. I was pressed to show the example, but I did not choose to do it,

intending to take my own course. I have heard it related, that at that moment, I took a pinch of snuff very leisurely; but that I do not remember, and I very much doubt the truth of the fact. Be that as it may, all except myself, jumped out of the carriage. Being then left alone, I collected all my presence of mind, looked about me, chose my position, and jumped out so fortunately, that I fell upon my feet without the least injury. Turning back to look behind me, the first thing I saw was my friend Lewis, sprawling upon the ground, and not able to rise alone. I raised him on his feet, and presently came our companions, who all complained of being more or less bruised. The driver alone, by a kind of miracle, had suffered nothing from his fall. We all determined to walk to Baltimore as well as we could: there was, indeed, nothing else for us to do; when to our great comfort, we saw our stage returning, under safe guidance. The horses had been stopped in their mad career, and an honest countryman was bringing them back to us, with the vehicle. We joyfully resumed our places; and on our arrival at Baltimore at the Fountain Inn, a surgeon was immediately sent for, who bled all my companions. Feeling perfectly well, I did not choose to submit to the operation. We spent the afternoon at Baltimore, and the next day resumed our route towards Philadelphia. We had a narrow escape. I am now left alone on the stage of life, which they were doomed also to leave before me. I hope I shall meet them safe again in a better place.

In the year 1815, was received the joyful news of the peace with Great Britain. Until that period, a colonial spirit had prevailed throughout this country, that had checked all efforts at literary enterprize. The successful issue of the war raised our spirits; and our minds took a direction towards literature and science. The news was received about the middle of February. On the 17th of March,

the American Philosophical Society, which had been long slumbering, resolved "That a committee of their body should be added to those before existing; to be denominated 'The Committee of History, Moral Science, and General Literature.'" This name was adopted on the suggestion of Mr. Rawle, who immediately inscribed his name among the members of the new association.

The business of the committee, (as is usual in such cases,) was carried on by a few. The active members were Chief Justice Tilghman, (the chairman,) Dr. Wister, Mr. John Vaughan, Mr. Correa de Serra, Mr. Rawle, and myself, who was the corresponding secretary. Our meetings were frequent, and Mr. Rawle seldom failed to attend. His advice was followed in many instances. The report on the structure of Indian languages, which the committee presented to the society in 1819, when read at our small meeting, received from him several valuable corrections. He felt so interested in the subject, that he entered into a correspondence with me upon it, which the pressure of his professional business did not permit him to continue. He questioned the polysyllabic character ascribed by us to those languages, on the grounds that, as they are not written, it is impossible to know, whether what was called one long word, was not in fact, several words combined or joined together. His arguments were ingenious, and in some instances conclusive. Other questions were in this manner amicably discussed between us. I regret that this correspondence was not allowed to proceed farther.

In the year 1820, a society was formed among the judges and members of the bar, called "The Society for the promotion of Legal Knowledge, and Forensic Eloquence." The Law Academy, still existing, was instituted as a branch of it, and under its patronage. The president of this association was Chief Justice Tilghman; and Mr. Rawle

was the vice-president.* That society was incorporated in 1821; and after continuing two or three years, it fell through by an accident; the room in which the election of officers was to have been held, having been found locked, and no election having taken place. It was not revived, and the Law Academy has continued without it.

While that society remained in existence, Mr. Rawle was one of its most active officers. It gave an impulse to legal studies, and to the Law Academy, which has not ceased to operate. As one of the founders and patrons of the latter institution, Mr. Rawle always felt an interest in their pursuits; and as you have remarked, he favoured them in 1832, twelve years after their first establishment, with an interesting and instructive address. He was the friend of youth, and delighted in promoting the progress and advancement of the rising generation.

I have thus, my dear sir, related to you, all the circumstances of Mr. Rawle's life, within my present recollection, which have come under my personal observation, and which are not included in your Biographical notice. There may be other facts, which I might have mentioned, but which have escaped my memory. I regret that I have been obliged to speak of myself so frequently in this narrative; but you will easily perceive that I could not avoid it; and

* I hope it will not be thought amiss to subjoin here a list of the officers of that society, as first instituted. Those whose names are in Italics are deceased.

President—*William Tilghman.*

Vice-President—*William Rawle.*

Trustees: Charles Chauncey, Thomas Kittera, John M. Scott, *Bloomfield M'Ilvaine*, *John Keating, Jr.*

Secretary—John K. Kane.

Treasurer—Benjamin Tilghman.

Provost of the Law Academy—Peter S. Du Ponceau.

Vice-Provost—James Gibson.

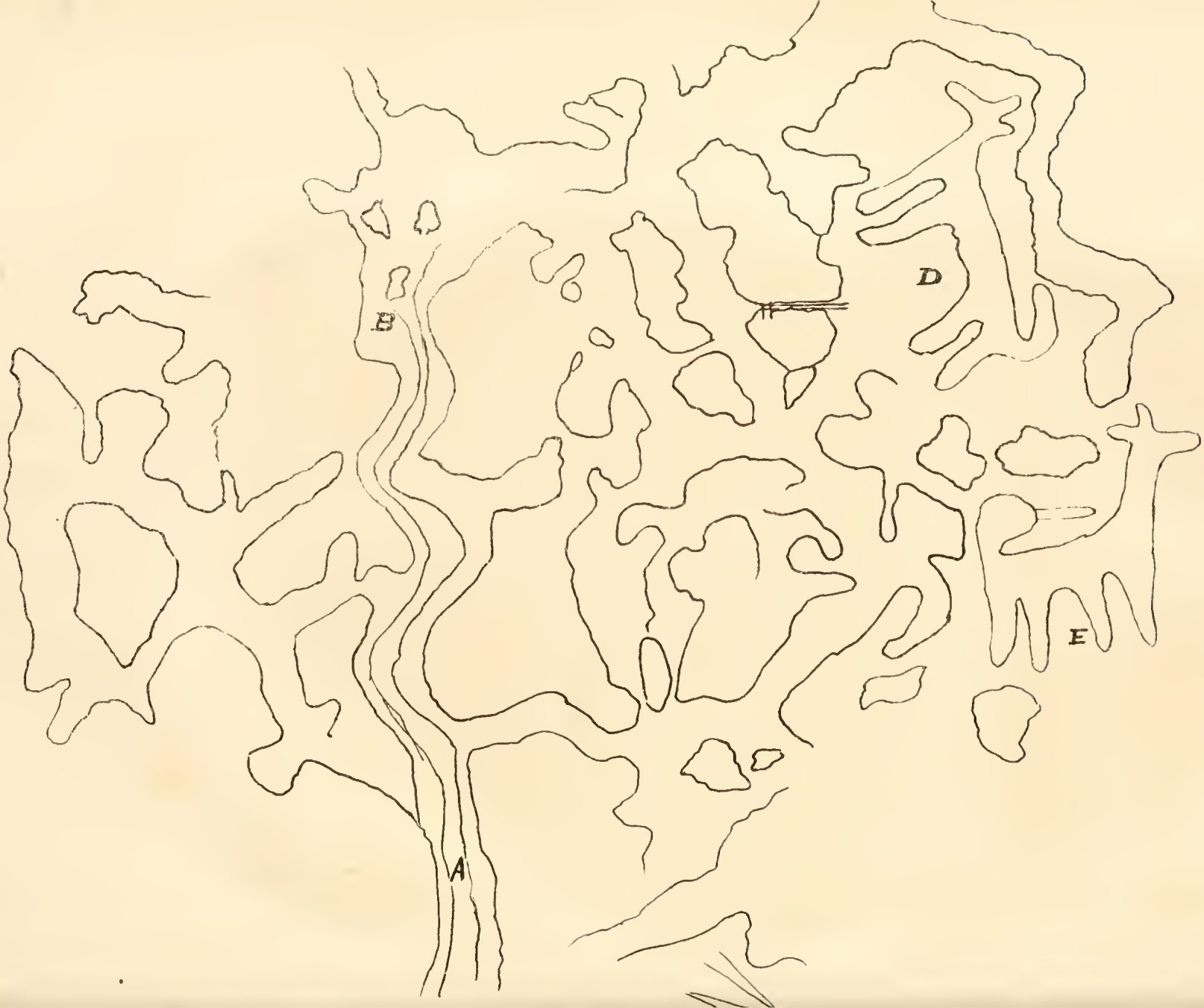
See Hall's Journal of Jurisprudence, p. 222.

indeed, I feel no small degree of pride, in finding my name, on this occasion, necessarily connected with that of one whose friendship sheds lustre on all, who have had the good fortune to enjoy it.

I am, very sincerely,

Your friend and humble servant,

PETER S. DU PONCEAU.


B
D
E
A

DESCRIPTION

OF A

SPECIMEN OF ENGRAVING,

BY THE

ABORIGINAL INHABITANTS

OF

NORTH AMERICA.

WITH A NOTICE OF SOME INCIDENTS IN THE HISTORY OF THE EARLY SETTLERS

ON THE

WEST BRANCH

OF THE

SUSQUEHANNA RIVER.

BY WALTER R. JOHNSON, A. M.

MEMBER OF THE HISTORICAL SOCIETY OF PENNSYLVANIA, &C. &C.

Read at a Meeting of the Society, May 1st. 1837.

DESCRIPTION, INCIDENTS, &c.

Curious questions have occasionally been raised in regard to the origin of the North American tribes; and among the arguments employed to sustain the hypotheses, in which it has pleased theorists to indulge, is one drawn from the rude specimens of art, frequently met with throughout the country.

While, however, we may admit that the forming of various utensils, and the occasional delineation of conventional marks or characters, as well as the construction of lodges, and the fabrication of canoes, and warlike implements, implies ingenuity and tact in some individuals of even the rudest tribes, yet it seems probable, that all these efforts to supply urgent wants, are no more than might reasonably be expected to be found among a large number of human beings inhabiting, for long periods, a region whose climate, or other circumstances, opposed no positive obstacles to bodily, or mental exertion.

But, though we may not find in the facts which bear upon

this subject any remarkable proofs in favour of any one of the numerous conjectures respecting the origin of the North American race; still the facts, themselves, have a certain degree of importance, as marking the actual advances *towards* civilization, which may have existed among the different tribes. This view has induced me to offer to the society, the following remarks and statements. As the European races proceed, by whatever means, in the annihilation of their predecessors, on the soil of America, the interest attached to the condition, habits, and manners of the latter, must be augmented in the eyes of the humane and philosophic in every part of the world. Hence the obligation of preserving all memorials respecting them.

In the course of an exploration of several weeks' continuance, during the spring and summer of 1836, extending for many miles through the region of country, watered by the West Branch of the Susquehanna River, and its tributaries, it occasionally fell in my way to observe objects, and collect facts relative to the aboriginal inhabitants of that section of Pennsylvania.

In common, with many other of the Indian races, they were, it seems, in the habit of leaving at certain points, significent marks, to designate, perhaps the paths of their hunting parties, or to note remarkable events in the history of their tribe.

A sample of this kind of symbolical writing was found and conveyed to this city, on the occasion above mentioned. It is engraved, or *picked* on a block of gray sandstone, three and a half feet long, two feet wide, and one foot thick. This block, which on removal, was separated into two portions, had obviously at some distant period, constituted a part of the solid cliff, at the base of which it was found. Indeed, from the exact conformity of one of its edges, with a

fractured surface on the face of the cliff itself, there can be no doubt, that it once occupied a station about three or four feet above the point where I first observed it,—and from the position, in which it was found, with the principal engraved face turned inwards, towards the mural surface; it appears impossible, that the work could have been executed while the mass lay in that situation. It seems probable, that it was performed while the block constituted a kind of jutting table-leaf on the side of the upright wall.

The rock strata at this point, are all nearly in a horizontal position; the character, secondary sandstone with interposed strata of shale; and above, near the surface of the mountain, or broad plateau, are the coal measures, and the accompanying series. This character of rock implies a degree of friability, and accounts for the frequent falls of rock and avalanches of earth, which happen along the courses of all the streams. It is this character of the rock formation, which appears to have determined the present aspect of the whole region, being composed of a general high level of country, with deep gorges and ravines, sometimes exceeding, probably, a thousand feet in depth, gradually rising towards the sources of the streams, until they at length terminate in what are called draughts, or extended natural meadows, surrounded on all sides, except that of the outlet, by a brim of nearly uniform acclivity and elevation, in the high level just referred to. Within these *draughts* the deer find abundant pasture, and formerly existed in great numbers.

These remarks may serve to give a probable solution of the inscription on the stone referred to. It appears to represent a map of the country, in the neighbourhood of the place where it was found, and very probably, contains directions respecting the haunts of the deer, the elk, &c.; about

the head waters of the Sinnemahoning, Kettle Creek, and other tributaries of the Susquehanna, the draughts above mentioned, and the high level land between them.

The inscription is partly on the face, and partly on the edge of the stratum of rock on which it is placed.

A double waving line (A, B,) on the edge of the block, appears like the double lines on our modern maps, to represent the river Susquehanna; and on both sides we find other channels of less extent, connecting themselves with this as tributaries with their principal stream. If this supposition be correct, it may be conceived to embrace a region of country, from twelve to twenty miles in extent, including the Northeasterly division, between the West Branch and the Sinnemahoning; from the mouth of the latter, in a Northeasterly course, to a distance below the mouth of Kettle Creek; and in a North and South course from the high lands, about the heads of Smith's and Milligan's runs, on the one hand, to the heads of Kettle Creek, and of the first fork and Driftwood Branches of Sinnemahoning on the other.

The figures of animals (D, E,) appear in situations corresponding, as I suppose, to parts of the country, where the deer and elk are known to have abounded, and where even the latter, now so rare, are still occasionally met with about some of the favourite salt licks.

The region of country, to which a reference has just been made, is still but little known to any except the immediate residents, and as the land is nearly all held in large tracts by non-resident proprietors, the population is extremely sparse. I know not of a single resident on any of the high plateaus of land, constituting the greater part of this region of country. The river bottoms are in general extremely narrow, and distributed only at intervals along its course. These together with similar portions of land along some of

the larger tributaries, are the only parts yet improved for agricultural purposes. These circumstances were favourable to the long continuance of the Indians in this quarter.

It is only about forty, or forty-five years, since a scene of some interest in Indian warfare was enacted about twelve miles by its course above the mouth of the Sinnemahoning.

A party of ten, or twelve of the savages, had committed a depredation and murder near the Big Island, now Dunnstown, and as was their practice, had immediately retired within the secure fastnesses of the Alleghany ridges. Following the course of the West Branch, to the mouth of the Sinnemahoning, a distance of forty miles, they had gone up that Creek to the point referred to; and encamped for the night on a shady spot at the mouth of a tributary, to the Creek now called Grove's Run. But in this instance, the Indian had underrated the white man's daring and thirst for revenge. He had placed too implicit a reliance on the wildness and remoteness of his temporary lodging place. A bold and wary woodsman, by the name of Grove, together with his brother and another companion, immediately equipped themselves for the pursuit, breathing vengeance and a determination to have blood for blood, from the foe who had murdered their companions at the Island. As Grove was acquainted with the various short cuts to the best hunting grounds, and apprehensive, lest, by following immediately in the trail of the Indians, they might encounter some one of their number loitering behind, or delaying in order to give notice of pursuit, he ascended from the river to the height of land below the mouth of Drury's Run, whence he crossed the country on the dividing ridges, and came upon the high peaks, East of the first fork, where ar-

riving before night fall, he had a clear view of every thing which passed in the deep and rather extensive cove, which lay beneath. He saw the savages arrive, cross the first fork, and ascending to the Run already mentioned; light their fires, and prepare for the night's repose. Watching with breathless eagerness for the favourable moment, he descended from his airy watch-tower, and crossing rocky ravines for the distance of a mile and a half, came at length near the camp of the unsuspecting savages. The brilliant fire which they kept up, served to assure him of the exact position of every thing around. Eleven of their number lay stretched upon the ground; a twelfth, who had been appointed sentry for the night, had perched himself in the low fork of the tree, which overshadowed his sleeping companions. Their fire-arms were, according to custom, all placed together at a short distance from their persons. The bright flames shed on their swarthy forms, such a glare as to render them excellent marks for Grove and his party. The sentry was, of course, one of those at whom the deadly aim was directed. As soon as their discharge had laid three victims writhing at their feet; Grove and his two companions made a rush at the spot where the arms of the Indians were stacked, the whole of which they threw into a deep muddy pool near at hand, shouting lustily to their pretended companions to "come on;" which, probably, had its effect to throw the half awakened savages for a moment off their accustomed line of cunning and wary circumspection. The latter accordingly betook themselves to flight, and dashed into the dense forest, where pursuit was hopeless. The brother of the leader (Grove) was severely burned in the face, and nearly blinded by the priming of his neighbours musket, and this added to their conscious inferiority of numbers, to that of the Indians, hastened the retreat of the adventurers. Satisfied with this

summary vengeance, and the removal of the immediate means of annoyance from their enemies; they plunged at once into the Sinnemahoning, which, being at a low stage, they waded a considerable part of the way (to avoid leaving a trail, which could be followed by the Indians,) for twelve miles, leading their blinded companion the whole distance. When actually compelled to quit the water to avoid impassable spots, they sometimes took one bank, and sometimes the other, thus increasing the difficulties of pursuit. On arriving at the mouth of the Creek, instead of going down the Susquehanna towards the settlements, as the Indians might suppose they would do, they ascended it a short distance, swam or waded across it, and climbing the high steep rocky bank on the Southeasterly side, made a halt in a place of concealment, whence they could watch the progress of their pursuers. They saw the latter come out of the gorge at the mouth of Sinnemahoning, and after much careful scrutiny, apparently at fault, at length take their course down the river. The worst part of their own journey was still to be accomplished. They determined on crossing the high broken ridges, between the head waters of the West Branch tributaries, and those of Beech Creek, which falls into the Bald Eagle. This passage which led over the summit of the Alleghany, and through a region, even at this day, probably, not surpassed in wildness and solitary grandeur by any thing on the American Continent; was at length accomplished, and the three adventurers arrived in safety at the mouth of the last mentioned Creek, the place of their settlement.

Grove was some years after drowned by the upsetting of a canoe in crossing the river at Dunnstown. But I have conversed with persons, who had often seen him, and heard him relate the particulars of his adventure. On referring to the State maps, and comparing the courses of the streams

as there laid down, with that upon the stone above described, and with my own observations on all the streams in this neighbourhood, I am convinced, that the object of the engraving, was of the kind which I have already pointed out. The hollow circular portions are probably designed to represent the spaces already denominated drafts. The proportions in regard to distance, would not, in all probability, be very accurately preserved by the Aboriginal artist: but the general direction is sufficiently marked for the purposes of indicating all that an Indian hunter would have occasion to communicate by this mode of conveying information.

Addendum since the foregoing paper was read to the society, I have had an opportunity of exhibiting the above described fragment of rock to a gentleman,* extensively acquainted with the habits and manners, of our northern and western tribes, particularly those inhabiting the regions bordering Lakes Michigan, Huron, Superior, and Lake of the Woods; and have been gratified to find that his interpretation immediately given, coincided exactly with that above suggested. He stated that the Indians are much in the habit of indicating their hunting grounds, and the number of animals taken, by devices similar to the one in question, and added that he had often travelled long distances, through the forests, with no other direction, than what was afforded by a map, first drawn by Indians on bark, by the aid of a fragment of charcoal, and that with the exception of a want of due proportion in the distance described, he had always found their delineations sufficiently accurate. He also confirmed my view of the purpose of another fragment of rock, brought at the same time with the above, from near the

* Douglass Houghton, M. D. Geologist of the State of Michigan.

mouth of the Tangascaotac, and which having three accurate semicylindrical grooves, half an inch in diameter, apparently hollowed out, by drawing some hard body over sand, longitudinally through them, had been conjectured by others as well as myself, to have been employed for smoothing the shafts of Indian arrows, or other objects which the natives desired to reduce to a uniformity of surface.

MEMOIR

OF

ROBERTS VAUX,

ONE OF THE

VICE PRESIDENTS

OF THE

HISTORICAL SOCIETY

OF

PENNSYLVANIA.

BY THOMAS M'KEAN PETTIT.

READ AT A MEETING OF THE COUNCIL OF THE SOCIETY, HELD ON THE 18TH DAY OF MARCH, 1840.

At a Meeting of the Council of the HISTORICAL SOCIETY OF PENNSYLVANIA, *held January* 20, 1836.

It was resolved, That the Society feel the deepest regret for the loss of their late Vice President, the HON. ROBERTS VAUX, whose virtues endeared him to his fellow citizens generally, and in particular to the members of this Society; and whose name will be placed among the distinguished philanthropists of the age.

Resolved, That that the *Hon. Thomas M. Pettit* be requested to prepare a Biographical Memoir of the deceased, to be published in the next volume of this Society's Transactions.

Resolved, That the Secretary transmit a copy of these Resolutions to the family of the deceased, and that they be published in the Newspapers of this City.

Attest,

JOB R. TYSON, *Secretary.*

MEMOIR, &c.

"Ad prodendam virtutis memoriam, sine gratia aut ambitione, bonæ tantum conscientiæ pretio." Tacit. Agric.

ROBERTS VAUX, one of the Vice Presidents of the Historical Society of Pennsylvania, was born at Philadelphia, on the 21st day of January, 1786.

Of the family, which was ancient and respectable, it is known, that having migrated from France, the country of their origin, to England, they were settled in the County of Sussex, in possession of a large estate, a portion of which was lost in the revolution of 1668. George Vaux, the great grandfather of our associate, was born on his paternal estate near Reigate, in 1671. He was a man of learning, and had a valuable library, including a curious and extensive collection of manuscript works on vellum. The Philadelphia Library contains a latin Bible written in 1016, which belonged to him, and which was sent by his son in 1768, as a present to the institution. He was a physician, became a member of the Society of Friends, and died in 1741. He left one child, who bore his name. This son was also educated and practiced as a physician in London. He married a daughter of Jeremiah Owen, a merchant of the metropolis, and died in March 1803, at an advanced

age. He was buried in Friends Grave-yard at Reigate. He left four sons and one daughter. Three of his children remained in England, namely, George, a surgeon of eminence, and a medical writer of reputation, who died a bachelor, at his residence in London in 1820, aged 76 years: Susannah, a woman of vigorous mind and sound education, who in her ninetieth year still lives unmarried near Reigate: and Jeremiah, a physician, who died at his house in Birmingham in 1825. Two of them came to Pennsylvania. One of these, James, yet resides among us at a venerable age, having uniformly sustained a high character for integrity and worth, and having survived his only son, the late George Vaux, a citizen whose memory will be long cherished on account of his active public spirit, and many estimable qualities. The other was *Richard*, who came to Philadelphia in early youth, and was placed according to the custom of that day, as an apprentice in a merchants counting house. He died in 1790, at the age of thirty-nine years, having established the reputation of an eminent merchant, and an active, useful, and upright citizen. He had married Ann Roberts, and thus became connected with one of the oldest Pennsylvania families, Hugh Roberts the ancestor of Ann, having arrived on our shores with William Penn, and settled here in 1682. She died in 1814. The children of the marriage were *Roberts*, the subject of our sketch, and Susannah, who was born in 1787, and died in 1814.

Roberts was educated at the Friends Academy, in Fourth Street, an institution of which, it may be remarked, that as it was the first in point of date, of our incorporated Schools, so in its character, it has been regarded as one of our best Seminaries. His latin teacher was James Thomson, his mathematical instructor John D. Craig. At the age of eighteen, he was placed in the counting house of John Cooke, a merchant of high standing. After twenty-one, he en-

gaged in mercantile business for a short time,—two or three years only, when controlled by a pious obligation, assumed under circumstances of deep solemnity, he devoted himself to the welfare of his fellow creatures.

At this early age we have abundant evidence of the soundness of his principles, the benevolence of his disposition, and the enlarged and expansive character of his views. Blessed with health and competence, holding a position in society, which gave him all the advantages of the best intercourse, he had the moral firmness to resist the temptations of the passions, to withstand the allurements of folly, to counteract the blandishments by which vice is made attractive, and to mark out for himself a career of virtue and honour, of activity and usefulness. He not only felt, but resolved to act upon the philanthropic principle of deeming nothing foreign to his bosom which belonged to humanity; and he practically applied to his own case the classic illustration of the grounds of such beneficence.

> "Vel me monere hoc, vel percontari puta;
> Rectum est? ego ut faciam; non est? te ut deterream."
>
> *Ter.*

While yet in his minority, he had shown his public spirit in various ways, particularly in actively aiding, as one of the founders, in the establishment of the Philadelphia Hose Company; the first organized of those valuable institutions, which are among the cherished objects of the pride of our city; and he had manifested his interest in the cause of learning by his services, first as Secretary, and then a Vice President of the American Literary Association, which was composed of some of the respectable young men of that period.

The spirit thus displayed, never flagged in energy, nor faltered in efficiency, through the whole course of his life.

Ardent in his disposition, and direct in his objects, the force of his character never yielded to difficulties. Keen in his sympathies, and quick in his sensibilities, his industry and perseverance in well doing never failed. Liberal in his sentiments, and kind in his affections, his generosity knew no limits, but those imposed by an upright judgment. Pure in his aspirations, and unsuspicious in his temperament, his mind was unclouded by selfishness, and his heart retained all its warmth, unaffected by the indurating experience, which is too often acquired by contact with the world. The vigour of a fine intellect, rich stores of useful information, a knowledge of men and business obtained by judicious observation and careful training, which, combined, could have been successfully exerted in the acquisition of wealth, or the gratification of political ambition, were all employed for the benefit of the human race.

An accurate account of his life would present a history of many of the most valuable public institutions of Philadelphia. His excellent education and good taste, united him with several prominent literary enterprizes, and thus induced him to furnish publications creditable to his talents, as a writer and a man of letters. His benevolence and energy were conspicuously exhibited in an extensive field of activity, and connected him with the cause of public education, prison discipline, and numerous plans of charity and humanity. His reputation for ability and integrity, was too decided to permit him to enjoy entirely the choice of his employments; and while he refused more than one post of responsibility and dignity, under the general government of his country, he yet found time for the disinterested discharge of various honourable and elevated duties, imposed upon him by the executive of the state of his birth. I will now proceed to make a brief reference to some of the most important of these acts and services.

As early as 1807, he manifested his interest in the cause of education, by becoming a member of the society for the establishment and support of Charity Schools. But, useful as were his services here, they were surpassed by the superior value of his efforts in relation to the establishment, and superintendence of the Lancasterian Schools in this city and county, and the impetus which he was mainly instrumental in giving to the cause of general education in the State. His exertions were indefatigable in every proper mode, particularly by correspondence with public functionaries, and by awakening the popular mind, through the agency of essays and appeals, in the newspaper and periodical press. In 1817, he was designated by the Pennsylvania Society, for the promotion of public economy, to be chairman of the committee on public schools. The founder of our commonwealth was, on this, as on many other great points of political philosophy, far in advance of the age in which he lived. Thus, in 1682, in the laws agreed upon in England, it was provided, "that all children within the province of the age of twelve years, should be taught some useful trade or skill, to the end none may be idle, but the poor may work to live, and the rich, if they become poor, may not want." The constitution of 1776 recognised a public provision for county schools, and the constitution of 1790 enjoined the Legislature to provide for schools in such manner, "that the poor might be taught gratis." When the committee above referred to entered upon their office, the spirit which had dictated these various requisitions was slumbering. The imperfect system adopted in 1809, had proved abortive. The committee after much persevering industry, succeeded in effecting the establishment of the schools, under the act of 1818. This law, with some useful modifications has to this day, continued in force in this district; the system based upon it, embracing large buildings,

with able teachers, and a full supply of pupils, each school being under the immediate superintendence of the proper board of sectional directors, and the whole under the supervision of a board of controllers, invested with extensive powers. Of the last mentioned body, Roberts Vaux was chosen the first president in 1818. He was annually re-elected till December 1831, when, according to a notice previously given by him, he resigned the station. For thirteen years, he applied the strong energies of his mind, and a large portion of his time, to this important undertaking, inspiring by his conduct, universal respect and confidence. To the teachers he was a faithful counsellor, and efficient friend; to the pupils a paternal adviser, and at all times, welcome visiter. Labours of this kind are truly seen only in their valuable results; but he has perpetuated evidence of his services, in the series of annual reports, which were the production of his pen, and which present a true history of the institution, and a useful compendium of principles, maxims, and practical remarks. His heart was deeply engaged in the first foundation of this work: as it expanded in usefulness, his just pride became awakened, and experience confirming the wisdom of what had been done, his continued efforts were sustained by his deliberate judgment. In reference to the original organization of the school system, to the unremitted support which it received, to the degree of mental power and physical exertion which were devoted to it, it is speaking but the general sentiment, to assert that the highest meed of praise is due to our associate. His resignation caused a profound sensation among his colleagues, the preceptors, and the numerous pupils, and attested the hold he had obtained upon their esteem and affection. From every board of directors, he was presented with a gratifying address; from every school

he was rewarded with a pleasing testimonial. The controllers in their letter of December 19, 1831, said,

"A long course of faithful, judicious, and unremitting attention to the interests of the public school system of this district, prompted by the purest motives, and sustained by unwearied zeal, entitles you to the respectful gratitude of the community for which you have successfully laboured, while a frank and dignified intercourse, and an independendent discharge of your duties in this board, have conciliated and secured the esteem and attachment of your colleagues."

The teachers in their address to him, after a warm expressions of the feelings of regret which his resignation had excited, used this language.

"With sentiments of sincere respect, strengthening with every year's acquaintance, we hasten to make known the grateful emotions we feel, in view of the many instances of your friendly co-operation we have experienced in the discharge of our important duties. When discouraged by adverse or unpropitious circumstances, your counsel has ever been ready to instruct and animate; and our endeavours to mete out knowledge, have been rendered more efficient by your countenance and support. We doubt not, that hundreds and thousands of the youth, who have been receiving the elements of knowledge and morality in our public schools, will cherish, with gratitude and affection, the many salutary lessons they have heard from your lips, and will rise up to honour your name, and do credit to that system of education, of which you have been the patron and zealous advocate, while the triumphs of Christian philanthropy continue to attest its superiority over all the schemes of infidelity, and all the glory of this world.

We unite in the conviction expressed by your worthy

and highly respected colleagues, that the invaluable work, in which you have been for fourteen years engaged, will long continue among the most gratifying reminiscences of your life."

But it was not only to the City and County of Philadelphia that his views were directed. He was the most effective of the founders of the Pennsylvania Society for the promotion of public schools, and served as its President. In arousing general interest, and bringing about Legislative enactment upon this important topic, he was conspicuously useful; and the improved plan of public education, in force in our Commonwealth, before his decease, furnished conclusive and gratifying proof, that his activity, in common with that of his coadjutors, had not been employed in vain.

A large portion of his time and attention, was assigned to the subject of Prison discipline. In 1821, he was appointed a commissioner for devising a plan, and superintending the erection of the Eastern Penitentiary; and for draughting a code of laws and regulations adapted to the separate confinement of criminals. For seven years he continued actively and earnestly engaged in duties growing out of, or connected with, the objects of this appointment. Of "The Philadelphia Society, for alleviating the miseries of public prisons," he was Secretary, and a member of the committee of correspondence for twenty-one years, and for some time was one of the Vice Presidents. During the term of his association with this body, he prepared nearly all its memorials to the State Legislature, containing valuable facts, arguments, and suggestions. In public letters to William Roscoe, Esq., of Great Britain, he defended its principles and purposes; and in 1826, wrote and published in a large pamphlet, an excellent history of its labours. This production was entitled, "Notices of the original and successive efforts

to improve the discipline of the Prison at Philadelphia, and to reform the Criminal Code of Pennsylvania, with a few observations on the Penitentiary System."

After preliminary remarks tending to establish the position, that accelerated improvement has every where attended the mitigation of penalties, and a just notice of the conduct of a citizen, who, under the dictates of a judicious benevolence, administered out of his individual means, to the necessities of the inhabitants of the jail, which was then situated at the south-west corner of High and Third streets, the author proceeds to an exhibition of the efforts of a society formed in 1776, under the name of "The Philadelphia Society for assisting distressed prisoners." After a brief career of usefulness, this association was terminated by the transactions of the war; and in 1787, "The Philadelphia Society, for alleviating the miseries of public prisons," was established. Under the influence of that spirit which declared that "inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me," this institution steadily and wisely exerted its means in the fulfilment of the great ends to which it was devoted. The prominent measures of the society, from the date of its existence to the signal work achieved, with its active and powerful co-operation, in the act ameliorating the penal laws, passed in 1794, are set forth and illustrated, with useful precision and appropriate praise. It was found, however, that much remained to be done in regard to the internal police of the prison; and the great improvements which the subsequent history displays, are traced in a great measure to the discriminating liberality and indefatigible labours of this body. It being farther demonstrated by experience that the limits of the jail at Philadelphia, in comparison with the uses to which it was applied, were so contracted, as to obstruct the progress of improvement in its manage-

ment, and to defeat the results which, under proper circumstances, might be expected from the penitentiary system, exertions were employed to remedy these evils; and, in 1821, a successful effort was made to procure the passage of a law for the erection of a penitentiary for the eastern district of the state, in which the benefits of solitude and hard labour could be fairly and effectually proved. A few remarks of a practical nature, are made on the subject of capital punishment, and the most judicious mode of inflicting it; and the pamphlet closes with tables exhibiting the number of criminals in the jail at Philadelphia, from 1787 to the beginning of 1825, and the offences, for which they were convicted. The whole of this little work is characterized by the soundness of a judgment, informed by experience, and tempered by humanity.*

The successful termination of the controversy, respecting the present Pennsylvania system of prison discipline, afforded him the highest pleasure, as he had so eminently contributed to it. It is evident to any one who investigates the subject impartially, that the addition of *labour* to *solitary confinement*, was always contemplated by the real friends of the plan as an inherent feature of its ultimate execution. Indeed, the suggestion can be traced back certainly to the preamble of a proposed, but never adopted statute, drawn up in 1779, under the direction of Sir William Blackstone, with the advice and concurrence of the illustrious Howard. The scheme here, however, was attacked by men of pure motives, and of great ability and influence, with arguments based upon the assumption, that the confinement was to be not only solitary, but without labour. In one of the letters to Mr. Roscoe, the true ground is distinctly taken, and

* I have felt at liberty to use, freely, a brief notice of this pamphlet prepared by myself, and inserted in a newspaper immediately after its publication.

among the modes of punishment devised for offences committed after conviction, that of withholding from the prisoner the means of performing his *labour* is prominently pointed out. At present the chief elements of the system, are seclusion, useful labour, and moral and religious instruction. The great experiment may be deemed to be solved, and among those who, by their talents, perseverance, industrious zeal and firmness, aided the work, the name of Roberts Vaux, will always hold an elevated rank.

In deeds of charity and benevolence, the kindness of his disposition found extensive exercise, and his disinterested activity full employment. His judicious and efficient services for many years as a manager of the Pennsylvania Hospital, have been acknowledged in the deep gratitude of numerous sufferers, relieved by exertions to which he contributed, and have been rewarded by the satisfactory exhibition of the success of efforts, in which he had a share, to mitigate the woes and assuage the anguish of mortality. Of the Frankford Asylum for the Insane, he was an unwearied member of the building committee, and for several years a manager. But for his perseverance in advance of its establishment, and his energy in its actual foundation, it is probable that our invaluable Pennsylvania institution for the instruction of the Blind, of which he became Vice President, and which now diffuses so many and such precious blessings, would never have had existence. The Pennsylvania Institution for the Deaf and Dumb, of which also he was an officer, was a favourite object of his notice, and, in its organization, and when contending with great difficulties, received a large portion of his attention. In the Philadelphia Dispensary; the first Infant School Association; the Vaccine Society, and other bodies, the mere list of which would require considerable space, his influence was perceived and appreciated. Indeed, there was hardly an institution

among us essentially humane in its purposes, to which he did not freely make contributions, sometimes of his labour, sometimes of his purse, and generally of both. His character for beneficence occasioned many calls on his liberality. He gave a ready obedience to the inspired admonition; "To do good and to communicate, forget not; for with such sacrifices God is well pleased." As discrimination became an obvious and imperative duty, no small amount of his care was devoted to the judicious selection of subjects of an expanded private bounty. It is known that his benefactions were larger than can be easily estimated by those who were not in the enjoyment of his intimate and confidential intercourse.

The great Temperance Reformation was much indebted to his enlightened foresight, and indefatigable zeal. Before it had forced itself by its intrinsic merits into general favour, he stood committed in this eminently good cause. As President of the Pennsylvania State Temperance Society; as President of the State Temperance Convention; and as a Vice President of the United States Temperance Convention, the decided weight of his character was felt, and the powerful influence of his opinions was recognized in one of the noblest enterprizes of the age. Such unquestionably useful institutions as the Apprentices Library Company, and the Philadelphia Saving Fund Society, of each of which he was an active founder, and an attentive officer, might be dwelt upon to swell our catalogue. This branch of our subject will, however, be dismissed with a reference to the fact, that the impulse to the citizens of Philadelphia, which led to the establishment of the House of Refuge, was communicated through an address of the Prison Society drawn up by his hand, and read by him at a public meeting.

Our associate was also, connected with the most distinguished literary and learned bodies of Philadelphia. It may

be sufficient to mention the Academy of Natural Sciences, the Linnæan Society, the Franklin Institute, the American Philosophical Society, and the Athenæum. In each of the two last named associations, he was in an especial manner esteemed as an active, efficient, and useful member; one of the founders, indeed, of the Athenæum, and for many years its Vice President.

I have reserved for a distinct notice his connexion with our own society. Proud of his native State, of the character of her institutions, and of her solid reputation, he was anxious that her good name should be still farther extended, and the influence of her social establishments still more widely diffused. An effective mode of aiding in the accomplishment of such a desire, he believed, to consist in a careful preservation of the records of the earliest transactions of her people, and in the elucidation of her natural, civil, and literary history. One of the original small number of citizens, who concerted the plan of the Historical Society, and conspicuous, if not the chief, among those who laid the foundation stone of the edifice, he was eager and industrious in a praiseworthy zeal to contribute to give stability to the superstructure. His Memoir on the locality of the great Treaty between William Penn and the Indian natives, and his anniversary discourse, demonstrating, that the conduct of the founder and his associates towards their benefactors, was both generous and just, are among our printed collections: and having obtained for him while living, our admiration and thanks, now tend to swell the measure of our respect and veneration for his memory.

Of the kindred institution, designed to commemorate the landing of William Penn, he was also a founder, and one of the directors. The suggestion in the concluding paragraph of his Memoir on the Treaty ground, to erect a durable monument with appropriate inscriptions, on the site of the

great Elm at Kensington, has been happily carried into effect by this society, through a committee of which he had the pleasure of being a member.

Besides the productions of his pen already adverted to in the course of this sketch, he was the author of many occasional addresses and reports, which exhibited the usual vigour and clearness of his style. Two of his works, however, deserve a more particular notice.

In 1815, he published the "Memoirs of the Lives of Benjamin Lay, and Ralph Sandiford, two of the earliest public advocates for the emancipation of the enslaved Africans." Lay was born in England. He came to Philadelphia in 1731, having resided for the preceding thirteen years in the West Indies. He died in Montgomery County, Pennsylvania, in 1759, at the age of eighty-two years, having for nearly half a century, continued with indefatigable perseverance to bear his independent testimony against African slavery. He was a man of extraordinary eccentricity, with remarkably rigid habits of self-denial and frugality. His zeal was not only thoroughly honest, but it was without the slightest intermission in the dissemination of his principles, and in the generous defence of a cause which had then but few open advocates. Sandiford was born in England. In early life he came to Philadelphia, and in the prosecution of commerce, visited the West Indies. He died in Philadelphia, in 1733, when forty years old. He too, became so deeply and earnestly engaged in the work of African emancipation, that he sought opportunities of provoking discussion in regard to it wherever he went. He displayed entire fearlessness when opposed by prejudice, or assailed by selfish interests, or threatened with penalties by provincial power. The biographer speaks of him as both "pious and enlightened." The object of the author of this little work, was to rescue from unmerited forgetful-

ness the names and services of men who, he thought, deserved to be held in honourable estimation, and the merit of whose exertions, can be appreciated only by those who keep in mind, the general and intense opposition which existed to their views and wishes. This purpose was faithfully and agreeably accomplished.

In 1817, he published "Memoirs of the Life of Anthony Benezet." This humble minded, but exemplary person, was born in France, in 1713. His parents were of the protestant faith, and having suffered severely for their attachment to their religious opinions, carried their child to England. At the age of eighteen, he came to Philadelphia, where he resided till the time of his death, in 1784; distinguished for unwearied zeal and ability in his labours as a philanthropist, and eminently as the friend of the Indian and the African. The author did not present this work, as "a finished portraiture of the life of this excellent man," but as "a mere sketch of some of its features." It is a happily conceived, and well executed memorial of an individual of true modesty, but who had won the illustrious title of a benefactor of the human race.

There is an incident connected with the publication of the Life of Benezet, which ought to be here stated, and which speaks for itself. The following letter from an unknown source, was sent to the writer:

"Dear Sir,

Having by divine goodness received instruction, and I humbly trust, some improvement from the frequent contemplation of the character of that *truly great* man, the late Anthony Benezet, I think there is a propriety in my selecting the author of his life, to present the enclosed donation of five hundred dollars, to the Provident

Society, for the employment of the poor, the receipt of which you will acknowledge in the 'National Gazette.'

Your obliged friend,

A friend to the employment of the poor.

March, 1824,
ROBERTS VAUX, Esq."

The author who had reaped such a blessed reward for his labour, accordingly had the peculiar gratification of handing, on the 19th March, 1824, the sum of $500 to Mr. Ralston, the Treasurer of the designated Society.

Preparations to a considerable extent were made by our friend, for a second, and much enlarged edition of this pleasing little book. The complete execution of so desirable a project was arrested by the hand of death.

A citizen so eminent for useful and disinterested exertion could hardly be overlooked, when either the people themselves, or those entrusted with executive power, had to chose public agents. Though he more than once declined being presented as a candidate for legislative trust, yet his native city had the benefit of his services in her common council, in the years 1814, 15, and 16. His appointment for the series of years already mentioned, as a director and controller of the public schools, sprung from the city councils, through all the variations of party ascendancy; and it deserves to be recorded, that the strength of his reputation for undoubted purity, and effective philanthropy, so far subdued into a sacred respect for the cause of education, even the spirit of party, which rarely spares any thing however hallowed, that no changes in the school department were made on political grounds. It was from the councils, also, that he received the honourable appointment of director of the Girard Trust, in 1832, an office which ceased to exist on the repeal of the first ordinance upon that subject.

In 1833, he was appointed by the President, with the advice of the Senate, a director of the Bank of the United States. This position he declined. He had been previously designated by President Jackson, for the very important post of commissioner, to treat with the Indians under an act of Congress, passed on the 14th July 1832. The law required the commissioners to visit and examine the country set apart for the emigrating Indians, west of the Mississippi river, to ascertain and report proper places of location for such tribes as might yet wish to remove to that country; to endeavour to arrange difficulties between hostile tribes, and to report a plan for the improvement, government, and security of the Indians. He was selected with two distinguished citizens of the south and west, both governors of states. Though many of the duties were congenial with his disposition, and would certainly have been admirably performed by his energy and intelligence, yet he questioned the adequacy of his own experience, in the peculiar knowledge required; and when it was found that the employment of a considerable military force, under the immediate direction of the commissioners, was embraced in the plan of operations, marked out by the war department, he felt himself compelled to surrender the trust. This nomination to a station, which was national in its objects, and at the time, generally regarded with a deep and solemn interest, was received with marked and emphatic approbation by the press of the country, and is now referred to as furnishing strong evidence of the wide extent of the reputation for public spirit and philanthropic worth, which our associate enjoyed throughout the Union.

By the executive of Pennsylvania, under different political influences, he was honoured with unequivocal testimonials of esteem and confidence. In 1821, he was appointed by Governor Hiester, to be one of nine commissioners to

investigate the causes and extent of pauperism within the city and liberties of Philadelphia, under an act of assembly. The commissioners were also to report a plan for the future support and government of the district. At the first meeting of the board in May, 1821, he was chosen its President. For more than eight months, the labours of this body were severe, and those of its President incessant. A report in part, embodying many valuable facts, was made to the legislature in February, 1822; but as the powers of the board, owing to a defect in the law, were insufficient to effect the objects contemplated, and there was no additional enactment, the commissioners relinquished their office. The same chief magistrate also in person, tendered to him, and in the kindest and most friendly tone, pressed upon his acceptance, the appointment of alderman of the city. This station, however, he deemed it proper to decline.

In 1833, Governor Wolf appointed him under a legislative resolution, one of the three commissioners to treat with commissioners of New Jersey, respecting certain obstructions to the use of the waters of the river Delaware. It was a point of some solicitude with the chief magistrate to secure in this commission, the highest amount of character and ability. The trust was assigned to our friend in a manner complimentary and gratifying. A report of the transactions of the board was subsequently made to the executive, for transmission to the legislature.

I must not omit to mention that besides being enrolled on the list of honorary or corresponding members of the principal Historical and Antiquarian Societies of the several states of the confederacy, he was dignified with the compliment of being chosen an honorary member of the British and Foreign School Society;—an honorary member of the society for the improvement of prison discipline in Great Britain; a corresponding member of the society of Paris for the improvement of elementary instruction; and a foreign

member of the Royal society of northern antiquaries at Copenhagen.

The deep feeling of pride in his native State, which caused him to investigate with uncommon care, and to desire to see preserved, as valuable treasure, every thing which could elucidate the history or the habits of her earliest days, induced him also to form a considerable collection of Pennsylvania antiquities, particularly of pictures and manuscripts. It was among his delights to dwell upon the associations which they awakened.

The conspicuous position which he occupied as a citizen, imposed upon him an extensive correspondence. This embraced not merely the topics immediately connected with his views as a moralist, and his exertions as a philanthropist, numerous as those topics were, but included also subjects of a wide political scope. With eminent men in Europe and America, he interchanged information and opinions, and by some of his distinguished countrymen, holding high places of government, he was occasionally consulted on serious questions of general moment. His sentiments, resting on a broader basis of principle and truth, than partisan zeal or temporary expediency could comprehend, were often sagacious and profound, and were communicated with the confidence, which an independent spirit feels in uttering the deliberate conclusions of well informed and conscientious judgment. The ability displayed in his letters, uniformly increased among those who had the benefit of perusing them, the respect, however elevated, which they had previously entertained for his character. His epistles to personal friends, partaking of the freedom of social intercourse, were remarkable, not only for kindness of tone, but also for purity of thought and diction, and, when the occasion permitted it, for a sprightliness, which gave them a peculiar charm.

Among the strong traits which caused him to be of incalculable value to our city, was his liberal hospitality. His civility to the sojourner was not limited to the mere courtesies of a visit or an entertainment, though even in these he was generous to profusion, but it was expanded into that feeling, which prompts to the careful study of the wishes of the guest, and to the free devotion of time and exertion to their gratification. Few of our inhabitants received so many letters from Europe, and our sister states, introducing distinguished and respectable gentlemen to the kindness of the intellectual portion of our society. He was prominent among those who gratified themselves, and did honour to the city of brotherly love, by extending to the stranger the cordial welcome to which he is entitled. His familiarity with our public establishments, in their spirit, and in their details, enabled him to render, and he did it with the ready cheerfulness of a uniformly kind disposition, important service to those who were engaged in investigating their objects, or their history.

That such an individual as our associate should have strong religious convictions might be expected. He had thought deeply of the solemn relation of man to his Creator. He was a firm and consistent member of the Society of Friends, and his opinions were in conformity with the approved faith of that body. An humble disciple of Jesus Christ, he was a steadfast believer in His Holy Gospel. In all endeavours to advance the welfare of his fellow men, he was sincerely affected by the awful consciousness of responsi bility to the Almighty;—and to His Holy Spirit, he constantly applied for aid and encouragement in his active charity. His reverence for the Giver of all good, was so deeply seated in his heart, that it evidently influenced his ordinary habits and deportment. He was partial to such works, as he thought expounded with simplicity the lead-

ing truths of the Old and New Testament; and he often referred to the writings of Fox and Penn, as exhibiting correct views of religious doctrine, and wholesome elements of pure morality. For theological controversy, however, he had no taste, while his fondness for the Bible, was as decided as his knowledge of its contents was accurate. It was a sentiment which he infused with earnest care into the hearts of his children, that no man could be truly great or useful, whose conduct was not under the government of religious principle; and it was among the truths which he loved to instill into the minds of the young, who so often came within the reach of his admonitions, that sound religious knowledge operating upon the affections and the life, would more assuredly obtain for them real respectability and happiness, than the most splendid merely human acquisitions, whether of learning, or of wealth. His attendance at stated meetings for worship, was punctual and regular, admitting of no interruption which could be avoided. It was remarked, that if in the middle of the week, the performance of his duty as a visiting manager of the Pennsylvania Hospital happened to interfere, as it occasionally did, with his accustomed devotional service in the Twelfth Street Meeting House, he always obviated the apparent difficulty, by joining his friends at the Arch Street Meeting, on the succeeding day. The duties of each morning were commenced by his reading to his assembled family a portion of of the Holy Scriptures, the "understanding" of which, he held to be "a wellspring of life unto him that hath it."

Though his philanthropic spirit, as we have seen, was not controlled by sectarian association, he yet thought, that in being faithful to the interests of his own religious denomination, he could not be false to any other duty. Though several establishments might be designated, it will be sufficient for the illustration of this point to state, that having

been one of the originators of the "Philadelphia Association of Friends, for the instruction of poor children," he served as a director, and for three years as secretary; and that he was a member of the Bible Society of Friends, in America.

In a letter written about a year before his death, at a time when he thought that great wrong had been done, in regard to some of his purposes and his motives, not by enemies, for "their reproaches he could have borne," but by men who were his "equals, his guides, and his acquaintances," he used the following language.

"On a review of my life now approaching a period of half a century, I cannot charge myself with having coveted any one's possessions,—nor have my own been increased at the cost of others. The spoils of the poor and the gains of oppression, have not enriched me. The acquirement of wealth by the means ordinarily adopted to obtain it, my soul loathes. The time and health which Providence has bestowed upon me, have been devoted with sincere intentions of rendering some benefit to my fellow beings; however far I may have fallen short of the fulfilment of a covenant, made with my Creator at a moment of deep affliction, thus to employ the residue of my days."

Conduct so pure that calumny dare not even breathe upon it, and the daily and hourly performance "in the fear of God," of acts of kindness and benevolence, must soon work out a triumphant vindication against the rash deductions of inconsiderate error. He lived long enough to feel that on the points referred to, justice had resumed her sway. To the covenant mentioned in this letter I have already alluded. It was made when he was quite a young man, on the loss of her whom he called his "precious sister." The only other child of his parents, she had grown up with him in the sacred confidence of pure and joyous sisterly love,

entwining herself around his heart, and taking hold of all that was kind, and generous, and tender, in his deepest affections. The covenant with his maker, thus solemnly made, he never renounced. The very decided influence which the virtues and the death of this noble minded and most lovely companion of his youth, had upon his whole career, has seemed to require that they should not be overlooked in the preparation of this brief memorial.

The notice of one other public trust will bring us to the close of his valuable life. In October, 1835, the chief magistrate of the commonwealth desired him to accept a commission, as an associate Justice of the Court of Common Pleas, for the City and County of Philadelphia. When it became known that a vacancy by resignation was about to occur, it was thought that the character of the court would be elevated by the appointment of such a man as Roberts Vaux. This office, really dignified in itself, and to which great power belonged, for good or for evil, had not, up to that time, owing to the small amount of its salary, (hardly more than nominal,) always been filled by men of the desired weight of character. The learned President of the Court was anxious that our associate should accept the station, sensible how large an amount of important duty, and, consequently, how great a share of heavy responsibility could be devolved upon him. Governor Wolf, who had been on terms of friendly intimacy, and had held much confidential correspondence with him, tendered him the office in a letter expressed in kind and gratifying language. Under a sacred conviction of duty, it was accepted. It may be here remarked, that our friend's great-grand-father, Edward Roberts, had occupied the same judicial chair. Judge Vaux took his seat on the bench early in November, and was unremitting in his devotion to his new functions, until the beginning of January. Some long and interesting

causes occupied the time of the court, and deeply engaged his mind. On Monday, the 4th January, he returned to his home, complaining of being unwell. His general health had been good, but his recent intense application, requiring a change from the habits of his former active life, had plainly affected his bodily frame. He continued indisposed on Tuesday and Wednesday, but no alarming symptoms were visible, and no serious apprehensions were awakened. On Thursday morning, however, the practiced eye of his friend, and skilful family physician, Dr. Caspar Wistar, perceived the dark cloud that was hanging over the family circle. Another eminent physician, Dr. Hartshorne, was called in for consultation; but the efforts of conjugal and filial love, and of professional knowledge and experience were alike unavailing. A virulent scarlet fever had seized upon the vital organs. His power of articulation so rapidly left him, that he could communicate with his family only by motions of his hands. He was, however, evidently conscious of his condition, and of all that was passing around him, and there is consolation in the well founded belief, that his mind was full of Christian firmness and composure. He expired on Thursday, the 7th of January, 1836, about five o'clock in the afternoon, being within a few days of fifty years of age.

His death created a profound sensation, not only in the wide range of his personal friendships, but also through the whole extent of the community, in which he was so universally known and esteemed. The briefness of his illness taught most impressively, the solid wisdom of his beautiful example, of being always enabled, under Divine guidance, so to live as never to be unprepared to die.

His life exhibited a predominating quality of *energetic benevolence*. In undertakings requiring intellectual exer-

tion, he was comprehensive and bold, displaying decided ability, and a ready command of ample information. Whatever the pure impulses of his heart prompted, his hand was willing to perform, and neither time nor labour, nor pecuniary contribution was withheld from the work. In his conversation, he drew upon a great fund of knowledge, the result of sound reading, and close observation of mankind. His disposition was sociable, courteous, kind, and affable;—his companionship was rendered captivating by the cheerfulness, always amounting to agreeable humour, and sometimes approaching to chastened wit, by which his sterling qualities were embellished. In his affairs, he was liberal and scrupulously punctual. As a personal friend, no man could be more sincere, steadfast, or effective; his conduct to those who sought his advice, and they were many, proved him to be a safe, discreet, judicious, and enlightened counsellor.

In 1813, he married Margaret, the daughter of Thomas Wistar. This union was blessed with happiness. But I will not, by dwelling on his domestic virtues, invade the sanctity of the peaceful home in which they were eminently displayed. His widow and two sons survive to lament the irreparable loss which they sustained in his departure from them, in the full maturity of his powers and his usefulness.

AN

EXAMINATION

OF

BEAUCHAMP PLANTAGENET'S

DESCRIPTION

OF THE

PROVINCE

OF

NEW ALBION.

BY JOHN PENINGTON.

Num fingo? num mentior? cupio refelli. Quid enim laboro nisi veritas in omni quætione illustretur.—Cic. Tuse. Quas. iii 20.

DESCRIPTION

OF THE

PROVINCE

OF

NEW ALBION.

When people get up in the world they become tenacious of the honour of their ancestry. As with individuals, so with nations; the progress of the latter in refinement, is also accompanied by a propensity to elevate the characters of their founders. Brigands and pirates dimly discerned amid the mist of ages, became endowed in the vivid imaginations of the Greeks, their descendants with the attributes of demi-gods and heroes, and through that medium so flattering to national vanity; the Romans with less fancy, but equal pride, regarded reverentially as the founders of the eternal city, a band of out-laws and vagabonds. This yearning after ancestral fame is not confined to the ancient nations of Europe, there are symptoms of its existence on this side of the Atlantic, among communities whose histories have commenced too recently to receive any adscititious embellishment, without rendering both annals and annalists ridiculous, whose records time has not yet covered with his

variegated coating of stains and moss, and hung round with those mythic festoons that fall so gracefully from the historic monuments of the old world. They stand out coldly and distinctly with their angles still sharp and unbroken, and with the nature of their materials and workmanship plainly discernible, the very antipodes to the historic picturesque.

The Virginians boast of their descent from the cavaliers, those gallant gentlemen who so freely expended their blood and treasure in support of the royal authority, and who when resistance was vain, sought a refuge among the wilds of America. Some take what is regarded as still higher ground, and pique themselves upon a certain dash of Indian blood derived from Pochahontas. Whatever may have been the virtues and merits of the individual, those of her race are by no means so strikingly developed as to reflect any additional honour upon these claimants of affinity with it. The difference between an Indian princess, and a Negro princess, is about that between tweedle dum, and tweedle dee; but the parties who boast of their descent from the royal stock of Powhattan, look down with great contempt upon the corn hoeing, and tobacco picking members of the blood royal of Guinea. From which, it appears, that in Virginian heraldry gules is a more honourable tincture than sable.

The most vociferous for the honour of their forefathers are our brethren of New England. The claims the first settlers of that section of our confederacy have upon the veneration of their descendants, do not strike us in this locality as being quite so clearly made out as they are strongly asserted. I cannot, however, unite with those who urge against the emigrant puritans, the charge of inconsistency, protesting against persecution, until, in the course of events, they had it in their power to persecute.

Their avowed rule of action, religious, civil, moral, and military, was the Old Testament. They never scourged, mutilated, or hung a Babtist, or Quaker of either sex; they never destroyed in cold blood Indian prisoners of war, or consigned them to more protracted deaths by laborious slavery in their own, or in a foreign country, without quoting chapter and verse as their warranty. It would be irrelevant here to adduce instances of the consistency of these soi-disant, "dear saints of God." They are recorded by their own contemporary historians with a complacency truly Mephistophelique, but with apparently such perfect consciousness of rectitude of motive, that charity induces readers, out of New England, to apply to the cases the lines of Pope,—

> "For virtue's self may too much zeal be had,
> The worst of madmen is a saint turned mad."

The annually recurring chorus of "Pilgrim Fathers," excited in time the envy of the neighbouring New Yorkers, which feeling was allayed by Mr. Verplank, pointing out to them the rich mass of ancestral dignity, embodied in the character of their Dutch forefathers. This was, indeed, opening a hitherto unworked mine of honour, the existence of which had never been even suspected. In an anniversary discourse, delivered several years ago, before the New York Historical Society, among the reasons why the audience should not blush for their Dutch progenitors, Mr. Verplank assigns the circumstance of the latter, "amazing the world "in the seventeenth century, by an exhibition of the wonder- "ful effects of capital and credit, and their shaming the poor "prejudices of their age out of countenance by a high "minded and punctilious honesty." Among those, who at this period, were amazed at an exhibition of Dutch mercantile spirit, shaming the poor prejudices of the age, was

the Count D'Estrades. As the general reader is doubtless familiar with the occurrence that excited this emotion, so rarely evinced by the practised diplomatist, it is not worth while to recount it here. But the Count's amazement, was exceeded by that of the English; when after reading the harrowing details of the massacre of their countrymen at Amboyna, they encountered the closing passage. "They had prepared a clothe of blacke velvet for Captaine "Towerson, his bodie to fall upon, which being stained "with his bloud, *they afterwards put to the account of the "English Company.*" (Purchas Pilgrims, vol. i. Lib. v.

Soon after this item was posted in their books, and which, I suppose, is now-a-days to be regarded as an illustration of their "high-minded and punctilious honesty; the Hollanders, in the same spirit of commercial jealousy which formed the main spring of the Amboyna movement, alleged to the Japanese, that the overthrow of their government was meditated by the Portuguese traders. The latter, in revenge "amazed" the natives by informing them the Dutch were Christians! With the same fierce unscrupulous determination to prevent a competition in trade, they guided in winter their whilom guests, the English puritans, who left Holland with the expectation of settling at the mouth of the Hudson, to a bleak and distant shore, with the fair prospect of the extinction of a rival establishment before spring.

Mr. Verplank says something of the Dutch at this period, "serving the cause of freedom and reason." What they did to serve the cause of reason, does not occur to me; their services in the cause of freedom, are somewhat equivocaly set forth in the fact, that under Dutch auspices, African slavery first made its appearance in this country. When Mr. Verplank reproaches the descendants of this people, with their "degeneracy and comparatively lax commercial morality,"

it is incumbent on him to show, that the Dutch practice was the standard of mercantile ethics in the seventeenth century.

The colonial establishments in North America, of Spain, France, England and Sweden, were all connected with exertions, individual and legislative, to Christianize the natives. Are there any records or traditions of similar efforts made by the Dutch? there are no records, and the traditions would be of little weight with those who hold the emphatic opinion of the annalist Chalmers (p. 571,) "The traditions "of no country merit much regard, but those of such a "people, are worthy of none." The relations of the natives of North America, with all their transatlantic brethren, are chequered webs, in some of which the bright, and in others the sombre tints prevail, but with this nation that so much "amazed" its contemporaries of the seventeenth century, they form a tissue whose uniform darkness presents to the philanthropist no enlivening diversity of the Indian benefited, and the Dutch thereby honoured.

Some of the contributors to the history of our own state, in gratifying their longing after a more brilliant epoch in its annals, that the arrival of Penn have had recourse to a rare tract in 32 pages 4th, with this title (note 1.) "A de- "scription of the province of New Albion, and a direction "for adventurers with small stock to get two for one, and "good land freely: and for gentlemen, and all servants, "labourers, and artificers, to live plentifully. And a for- "mer description reprinted of the healthiest, pleasantest, and "richest plantation of New Albion in North Virginia, "proved by thirteen witnesses. Together with a letter from "master Robert Evelin, that lived there many years; show- "ing the particularities and excellency thereoff. With a "briefe of the charge of victual and necessaries, transport "and buy stock for each planter and labourer, there to get "his master 50*l.* per annum or more, in twelve trades and

"at 10*l.* charges onely a man. Printed in the year 1648," on the next page are "The order Medal and Riban of the "Albion Knights, of the conversion of 23 kings, their sup-"port," illustrated by three small engravings. The Medal presents the effigies of a coronetted personage, whose costume approaches to that of the time of the Heptarchy, with the legend EDMUNDUS COMES PALATINUS ET GUBER N. ALBION. On the reverse are armonial bearings—Two coats impaled. The dexter, a hand dexter issuing from the parti line grasping a sword erect, surmounted by a crown. The sinister is the coat of arms, born by the present Plowden family of Shropshire England—a fesse dancettée with two fleurs de lis on the upper points. Supporters, two bucks rampart gorged with crowns. Crest a ducal coronet. Motto VIRTUS BEAT SIC SUOS. "The order" is formed by the achievement just described, encircled by twenty-two heads couped and crowned, held up by a savage kneeling: the whole surrounded with the legend, DOCEBO INIQUOS VIAS TUAS ET IMPII AD TE CONVERTENTUR, which is the vulgate version of the 15th verse of the 50th Psalm. This page is farthermore garnished with sundry other scraps of Latin and English, of no very particular bearing upon the matter in hand.

On the recto of the second leaf "This epistle and preface "shows Catoes best rules for a plantation. To the Right "Honourable and mighty Lord Edmund, by Divine Pro-"vidence, lord proprietor, Earl Palatine, Governor and "Captain General of the Province of New Albion, and to "the Right Honourable, the Lord Viscount Monson of Cast-"temain, the Lord Sherard Baron of Letrim: and to all "other, the Vicounts, Barons, Baronets, Knights, Gentle-"men, Merchants, Adventurers, and Planters of the hope-"full company of New Albion, in all forty-four undertakers "and subscribers, bound by indenture to bring and settle

"three thousand able trained men, in our said severall "plantations in the said Province. Beauchamp Plantagenet "of Belvil in New Albion Esquire, one of the company, "wisheth all health and happiness, and heavenly blessings." The "epistle and preface" thus terminates, at the eighth page "And since according as other Palatines, as he of "Chester and Duresme, made their Barons and Knights as "therein many are yet living, you my lord have begun to "honour first your own children, I tender my best respects "unto your sonne and heir apparent Francis Lord Ployden, "Baron of Mount Royall, Governour, and to Thomas Lord "Ployden Baron of Roymont High Admiral: and to the "Lady Winefrid Baroness of Uvedale, the pattern of mild-"ness and modesty; and to the Lady Barbara Baronesse of "Ritchneck, the mirror of wit and beauty, and to the Lady "Katherine Baronesse of Prince * * t, that pretty babe of "grace, whose fair hands I kisse, hoping on your Lordships "invitation, C. C. T. and your two baronets L. and M. to "get them as they promised to goe with us. I hope to get "your knights and two hundred planters, on this side ready. "And thus with tender of my service to your Lordships, "and all the company, I rest

"Middleboro this 5 of December 1648 } Your humblest servant BEAUCHAMP PLANTAGENET."

This "description" is classed among the historical muniments of Pennsylvania; its claims to be continued there, it is my present purpose to investigate.

Juliet was more influenced by her feelings than by her judgment, when she came to the conclusion that as "a rose under any other name, would smell as sweet," there was nothing in a name. The chronicler of the Palatinate of New Albion signs himself Beauchamp Plantagenet. The junction of these two magnificent surnames, savours strongly

of the adventurer. Like the plebian alias of Altamont Mortimer Montmorenci, he has found out "where a com-"modity of good names was to be bought," and has made the common mistake in such cases of purchasing too largely. The suspicion excited by his name is increased by a notice of the former grandeur of his family, abruptly introduced into the midst of an inflated account of the state of the times. "Then perusing my old evidences, I found my aun-"cester Sir Richard Plantagenet had Chawton, Blendworth, "Clanfield and Catrington in Hampshire. But in those civil "wars in Henry the Sixth's time, much like those of the "Guelfs and Gibellines in Italy, all was lost."

Some of the histories of the counties of England, are so ample in detail, that in the deduction of manorial property each fee is pursued throughout from the Doomsday Lord to the then proprietor, and so comprehensive as to give geneological notices of all who make any pretensions to distinction. It is probable, therefore, that in Warner's collections for the history of Hampshire, in 6 vols. 4to, there are full historical notices of these four places. This work I never saw, but from other sources have gleaned some facts, which rather invalidate the "old evidences" of Mr. Plantagenet's family importance. Clenfield or Clanfield, according to the Notitia Monastica of Tanner, (p. 162 edit. 1744,) was granted by Edward II. in the year 1313, to the Church of St. Mary, at Southwyke, and at the suppression of the religious houses by Henry VIII. was given to John White. So it appears, that for upwards of a hundred years both before and after "the civil wars in Henry the Sixth's time" Clanfield was not in possession of a Plantagenet. Again, among the parochial notices in "The Annual Hampshire Repository" Winchester, 1799—1801, it is stated that at the commencement of the civil wars a part of Kateryngton or Catrington, was released by Henry Kewyk to William Port

Sir Richard Plantagenet's ownership thereof, not being in the slightest degree alluded to. The name does not appear in Berry's folio of Hampshire pedigrees, nor among the magnates of the same county, in the 12th year of the reign of Henry VI., a list of whom is preserved in Fuller's Worthies of England.

I have marveled that when on the subject of his lineage, Mr. Plantagenet did not inform his readers of the royal blood in his veins. Of this interesting circumstance the world would probably have remained ignorant, had it not been announced in the "Sketches of the primitive settle-"ments on the river Delaware, by James N. Barker," that the historian of New Albion was "a descendant of kings!" The really pleasant and ingenious writer of these sketches, seems to be a gentleman for whom a flight of fancy has stronger charms than the severity of historical research, and who finds the simplicity of early American annals insipid without a dash of the melo-drama. He would greatly have enhanced the gratification arising from his conclusion had he communicated the geneological data, by which he arrived at it. But with some historians an assumption on the strength of fancy, is a more congenial and much easier employment than that of knocking the dust off of old books in verifying facts. To the familiar story told by Peck, (Desiderata curiosa VII. 15.) Mr. Barker must have imagined a sequel—that honest Richard not inheriting the ambition of his crooked back sire, soberly settled down, begat sons and daughters, and thus the name and the line were continued to the representative of both in 1648, Beauchamp Plantagenet of Belvil. In history, fancy on fact seems to be canonical, but fancy on fancy is as heterodox, as colour on colour, or metal on metal in heraldry. The contribution to Peck's book, as may be learned from Master's remarks on Walpoles Historic doubts on the life and death of

Richard III. in the 2d vol. of the Archœlogia, was a literary hoax, drawn up and communicated to a Dr. Warren, who was Peck's informant, in order to see how far his credulity would carry him, and to expose the absurdity of the antiquaries of the day. The "Spartam nactus es, hanc onna" would, I think, have authorized Mr. Barker so to extend the dramatic license he had assumed, as to include and endow with interest, some of the fellow subjects of Plantagenet—there's a Master Evelin for instance, who could have been brought forward as "A Knight Templar in disguise," whilst Captains Brown and Claybourn might have figured as "Eng-"lish barons exiled by the tyranny of King John, previously "to the signing of Magna Charta." These embellishments which are deemed appropriate, are suggested to Mr. Barker, in the event of his "fine epopee" as the historian Niebuhr would have termed it, attaining to a second edition.

After the ancestral flourish just noticed, Mr. Plantagenet received from a company intending to emigrate, a commission to examine the different English plantations. His choice fell upon New Albion, in which, after an exploratory tour, he obtained from the Lord Governour under the Province seal, a grant of the manor of Belvil, containing ten thousand acres. He then returned to Holland, "where most "happily, the second time meeting his lordship, and perusing "by his noble favour, all his lordship's cards and seamen's "draughts, seventeen journall books of discoveries, voiages, "huntings, tradings, and several depositions, under seal of "the great Bever, and fur trade, rich mines and many "secrets, and rarities," he concocted this description. The topographical knowledge of the two, enables them thus boldly to strike out the boundaries of their teritory, "Our "south bound is Maryland north bounds, and beginneth at "Aquats on the Southermost, or first Cape of Delaware Bay,

"in thirty-eight and forty minutes, and so runneth by or "through, or including Kent Isle, through Chisapeack Bay "to Pascatway, including the falls of Pawtomecke, over to "the head or northmost branch of that river, being three "hundred miles due west, *and thence northward to the head* "*of Hudsons river fifty leagues*, and so down Hudsons river "to the ocean, sixty leagues, and thence by the ocean and "isles across delaware Bay to the south cape fifty leagues; "in all seven hundred and eighty miles. Then all Hud- "son's river, Isles, Long Isle or Pamunke, and all Isles "within ten leagues of said province being." (p. 26.) 'Tis an easy matter to go three hundred miles due west, from the southermost cape of Delaware, but when at that point which is in Virginia, beyond the Alleghany mountains, surveyors, excepting those of New Albion, would be puzzled to strike the head of the Hudson by running a north line, and that of fifty leagues only. Several pages are devoted to particular descriptions of "nine choice seats for Eng- "lish:" but one or two of these can be recognised; thus "The "sixt is an Ile called Palmer's Ile, containing three hundred "acres, half mead halfe wood: in it is a rock forty feet high, "like a towr fit to be built on for a trading house, for all "the Indians of Chisepeack Gulfe; it lieth a mile from "each shore, in Susquehannocks river mouth, and there four "Sackers will command that river, and renue the old trade "that was; it lieth in forty degrees and twelve minutes it "is most healthy, but cold neer the hils, and full as all the "seventeen rivers there of eleven sorts of excellent fresh "fish; the Indians instead of salt doe barbecado or dry and "smoak fish to each house, a reek or great pile, and ano- "ther of sun dried on the rocks, Strawberries, Mulberries, "Symnels, Maycocks and Horns like Cucumbers." (p. 25.) This renewing the old trade with four sakers was continuing the same system of commercial relations with the na-

tives, that was commenced forty years before, for the beginning of trade on the Chesapeake, according to Thomas Studley, the first cape merchant in Virginia, was in the way of barter exchanging for corn, "stores of sakre and musket shot," (Smith's Virginia, Chap. II.) (Note 2.) The curious inquirer who is led by his interest in our early history to attempt applications of these several descriptions to localities within the bounds of New Albion will be sadly perplexed, particularly with the ninth "called Mount Ploy-"den the seat of the Raritan King, on the north side of this "province, twenty miles from Sandhay sea, and ninety "from the ocean next to Amara hill, the retired Paradise of "the children of the Ethiopian Emperor, a wonder for it is "a square rock two miles compasse * * fifty-foot high," (the height cannot be ascertained from the copy before me, as two letters have been cut away from the page by the knife of the binder) "a wall-like precipice a strait entrance "easily made invincible, where he keeps two hundred for "his guard, and under it a flat valley, all plain to plant and "sow," (p. 26.)

The conclusion seems unavoidable, that though kings can do no wrong in England, their descendants can tell lies in Holland. That this brace of Palatines, never visited the country they affected thus accurately to describe, is placed beyond question, both by the internal evidence of their "Description," and by a passage in Winthrop's History of New England, noticing the arrival at Boston, in 1648, of "one Sir Edmund Plowden, who had been in Virginia about "*seven years*. He came first with a patent of a county "Palatine for Delaware Bay; but wanting a pilot for that "place, he went to Virginia, and there having lost the estate "he brought over, and all his people scattered from him; he "came hither to return to England for supply, intending to "return and plant, Delaware, if he could get sufficient

"strength to dispossess the Swedes." (ii. 325, edit. 1825.) Now Plantagenet, repeatedly speaks (pp. 8. 13. 22.) of his patron's knowledge of the country, derived from his *seven years* personal observation, and that he was (p. 8.) "a tried "and seasoned man, and excellent pilot in all this land and "seas to trade and settle us," that (p. 19.) the plantation had been commenced several years before the date of this visit to Boston, whilst at Watcessit, "were seventy English, "as master Miles deposeth, he swearing the officers there to "his majesty's allegiance, and to obedience to your Lord-"ship as Governour."—(p. 23.)

Into one map only have I found this Province admitted, "a Mapp of Virginia discovered to ye Hills, and its latt: "from 35 deg: and 1-2 neer Florida, to 41 deg: bounds of "New England. Domina Virginia Farrer Collegit. Are "sold by I. Stephenson, at ye Sunn below Ludgate, 1651." The details of this curious production, harmonise in some measure with the data, furnished by the Description of New Albion. "Lord Delewar's Bay and river," are laid down with the remark, "This river the Lord Ployden hath a "patten of, and calls it New Albion, but the Swedes are "planted in it, and have a great trade of Furrs." The Delaware and Hudson are made to form in their courses segments of circles, whose chords are nearly East and West lines: again, on the other hand there are some material deviations from the description,—a West line, three hundred miles from the Southermost Cape of Delaware, extends a considerable distance into the Pacific Ocean, or as it here called, "The Sea of China, and the Indies." These and other geographical capricios, authorize the observer to attribute both "mapp" and "description" to the imaginations of their respective authors.—(Note 3.)

Ioost Hartgers, a contemporary writer, in his Beschrijvinghe Van Virginia, Nieuw Nederlandt, &c., Amst, 1651,

says "a certain Englishman, who called himself, Sir Ed-"mund Ployden, and gave himself the title of Earl Palatine "of New Albion, pretended that the country on the West "side of the North River, as far as Virginia, was his pro-"perty under a grant from James, King of England; but "remarked, he would have no misunderstanding with the "Dutch, but was much offended with, and bore a grudge "against John Prins, the Swedish Governor in the South "River, in consequence of receiving some affronts, which "are too long to record, but which he would take an op-"portunity of resenting and possessing himself of the South "River." As nothing is said to the contrary, it must be inferred that Sir Edmund's pretensions were set up at the safe distance of Virginia; for this braggadocio attitude could not well be assumed in a country under Dutch control, without both claim and claimant running some danger of a simultaneous extinction. The Swedish establishments on the Delaware evidently existed by the sufferance of the Hollanders, and the tenure by which they were held seemed to have been to keep out interlopers of other nations. In 1643, a party from New England under Lamberton, whilst endeavouring to obtain a footing on the river, was at the instigation of the Dutch Resident seized by the Swedes, and came very near forming the dramatis personæ of a second representation of the Amboyna tragedy. The threat in this case prevented any competition in the trade for beaver skins, as effectually as the performance twenty years before secured the monopoly of cloves. In 1655, soon after the New Haven people had abandoned their intentions of settling their purchased lands on the Delaware, the Dutch finding no farther necessity for their Swedish feudatories, ejected them from their fief. As confirmatory of this view of the colonial relations existing between these two nations, the fact may be adduced that their bloodless squabbles

were always intermitted when the English appeared in the river.

In this account of "the healthiest, pleasantest, and rich-"est plantation in North Virginia, proved by thirteen wit-"nesses," are misrepresentations and inaccuracies, which I proceed briefly to notice. The reader is told (p. 7) of "twenty-three Indian Kings, under the command of this "our Lord Royal," the origin doubtless of the bordure of crowned heads that occurs in the order of the Albion Knights. So perfect was the subordination of the natives, "that any without his lordship's stamped badge, approach-"ing within twenty miles of his plantation, or ten of his cat-"tle were killed, and that valiant Captain Freeman lately "killed three Indians so without badge encroaching," (p. 23.) One is at a loss which most to admire, the brilliancy of this system of Indian relations, or the boldness by which it was maintained, when, as has been before remarked the whole force of the Palatinate amounted to but seventy men. This account of the effectiveness of the Indian bureau of the government, was intended to produce a favourable impression upon adventurers; but it is as much the coinage of Mr. Plantagenet's brain, as his description of Mount Ployden or the evidences of the grandeur of his ancester Sir Richard. The sovereignty of the country at this time was in the Iroquois. Offsets of this warlike and imperious people, under the name of Minquas will be found in the contemporary maps dotted through this section to bridle, perhaps, the conquered tribes of the race, known to the early French writers as the Algonquin and recently most affectedly called Algic by Mr. Schoolcraft. Would the Iroquois endure in their own or permit upon the persons of their tributaries, this exercise of authority, backed by seventy men only?

At page 17, two thousand Indians, "armed with guns," including the Mohawks, drove in the Dutch boors from their

out settlements to their forts on the North River. The Mohawks were never engaged in hostilities with the Dutch, but when the latter were waging war with the surrounding Algonquin tribes, a few years before the date of this description, made their appearance as peace makers not warriors. Their interference was so effective, that a general pacification was the result, (note 4.) In the same page it is asserted that at this period Manhattas contained more English than Dutch! and at page 28, that peaches were so abundant at this early stage of the plantation, that hogs were fed with them—one man having an orchard of ten thousand trees. The proverbial improvidence of the Indians becomes questionable, when settlers are assured p. 21, they "may have from them two thousand barrels of corn, "at twelve pence a bushel in truck." Many in our community are descended from the Swedish emigrants to the banks of the Delaware; Mr. Plantagenet's lucid account of the first appearance of their forefathers in this region, will be to them both novel and interesting. In the year 1640, the Dutch "in their West-India Fleet, battered by the Span-"ish Armado, brought home forty Swedish poor soldiers; "and hearing that Captain Young and Master Evelin had "given over their Fort, begun at Eriwomeck within Dela-laware Bay, there halfe starved and tottered, they left them," p. 17.

Mr. Plantagenet is rather loose in statistical matters; thus, although one hundred thousand English had died in Virginia, the number in 1648, was eight hundred thousand. This estimate exceeded the actual number, by about seven hundred and seventy-five thousand. Again two thousand Indians armed with guns, at p. 17, are reduced to eight hundred naked and unarmed at page 20, but then at page 22, the "naturals" rally in great force, for nearly three thousand are mustered and told off by kingdoms, among

whom figures the King of Ramcock, with a hundred men, (note 5.) Five "of his Lordship's sixe good free-holding towns in Long Isle, "are enumerated at page 23. In addition to occupying a respectable space in the general histories of North America, this Island has been made the subject of two special publications—a sketch, brief, but of great merit, by Silas Wood, and recently a somewhat voluminous history, by Benjamin F. Thompson, but no where is the slightest allusion made to "his Lordship," or to his rights, manorial or proprietary.

This tract has now, it is presumed, been sufficiently analyzed to show that it is not an authentic document, although it has been so regarded at different periods by historical writers of various merit; (note 6) a few words will express my conception of what it is,—the joint production, with the object of raising money of a decayed actor, and a broken down pettifogger. I write the history of this transaction not from data, but as an ingenious German lately wrote a history of Rome from "long meditation on the subject." The pettifogger is identified in the self-styled ("die hem liet noemen," as Hartgers justly words it) Sir Edmund Ployden, Earl Palatine of New Albion, the actor in Beauchamp Plantagenet of Belvil, Esq. The former contributed the legal and genealogical matter, and also, to him the description owes the faint tint of topographical knowledge that pervades it; the result, probably of occasional gossip with the New Amsterdam skippers that frequented Jamestown. Whether his residence in Virginia was voluntary or not, it is impossible to say. The climate of that country *for seven years*, was the usual prescription in those days by the Old Baily doctors, for that degree of morbidness of the moral sensations, which leads the patient to confound the difference between the meum and tuum. But let that pass. This man had obtained some knowledge of the existence of

a patent for New Albion, or perhaps, had purloined the instrument itself, assumed the name of the patentee, and with the assistance of his comrade, the ex-actor, whose professional propensity for rant and fustian is distinguishable throughout, set forth his pretensions in the pamphlet under examination. This view is countenanced by a passage in the colonial records of Maryland, printed in the collections of the New York Historical Society, III. 379. The Dutch maintained, in 1659, that Lord Baltimore had no more claim to the Delaware than "Sir Edmund Ploythen in for-"mer time, would make us believe he hath unto, when it "afterward did prove, and was found out that hee only subup-"tiff and obreptiff hath something obtained to that purpose "which was invalid."

This scheme was favoured by time, place and circumstance. At the close of the year 1648, Holland was the rallying ground of fugitives from England, both Royalists and Presbyterians. The expectations of both at home had been crushed by the decided ascendancy of the Independants. America had become the asylum of many, and more were doubtless revolving in their minds the chances of "the Virginia voyage" when this enterprize was announced. Territorial grants with jura regalia to the grantees were known to have been made. With that of Nova Scotia to Sir William Alexander, afterwards Lord Stirling was connected a hereditary order of Baronets, whose "orange tanny ribbon" is still displayed on days of court ceremony. But to make this feature of the scheme more imposing, a chapter is devoted to "Counts or Earls created, and County Palatines, "and our Province and County Palatine, Liberties, and "the ancient family twelve hundred years of our Earle Pa-"latine from the Saxons in England, his pedegree and alli-"ance." In the course of this curious chapter, the names of Selden, Coke, Davis and Bracton are put in requisition

to maintain the pretensions of Mr. Plowden to regal jurisdiction in America. Selden had better been let alone; far from upholding, he seems inclined to show but little countenance to this degree of English nobility. The whole tenor of his observations on the subject, is that of coldness and distrust. (Titles of honour, Part. II. S. VII.) Still more unfortunate are the copious quotations from Coke and Sir John Davis, as what is extracted from these ancient authorities, has reference only to the Palatine dignity, as it existed before the severe curtailment of its attributes by the statute XXVII, Henry VIII.

The prospectus of Plowden and Plantagenet, appealed to the associations of the cavaliers through an accomplished leader, high descended and with noble connexions, the dispenser of orders, medals, and ribands; to the prejudices of the roundheads, by a declared preference of the Calvinist form in the ecclesiastical polity of the Palatinate, and to the political predilections of both by asserting, p. 27. "For the "Politique and Civill Government, and Justice, Virginia and "New England is our president." It held out to all security of person and property, "no Indians neer;" eight hundred "thousand Virginians on one side, on the other eight thou- "sand English, in sight five towns on the Connecticut, and "New Haven being populous;" "all former patents in- "cluding Maryland being examined and found void," and preserving a most discreet silence upon the strength of the Dutch and Swedish establishments in the very heart of the territory. It described a region whose products were so rich and varied, that "he that is lazy and will not work, "needs not fear starving"—where "the soldier and gentle- "man wanting employment, and not born to labor without "going to war to kil Christians for five shillings a week in "the mouth of the roaring cannon, or in a siege threatened "with famine and pestilence; and ten together against a

" few naked savages, may like a devout apostolique soldier " with sword and the word to civilize and convert them to " be his Majesty's lieges, (note 7) and by trading with them " for furs, get his ten shillings a day, and at home intermix- " ing sport and pleasure with profit, store his parks with " elks and fallow deer are fit to ride, milke, or draw the " first as big as oxen, and bringing three a year and five " hundred turkeys in a flock, got by nets in stalking, get his " five shillings a day at least." In fine it threw out the common lure of the day to adventurers to America gold and silver.

It cannot now be ascertained if any were swindled out of the pittance, the civil wars had left them through this impudent fabrication. I am inclined to believe that it incontinently made its projectors the laughing stock of their countrymen in Middleburgh, instead of elevating them as it has since done to the rank of founder and analist of a colony.

If thus early this *printed* trash became the materials of history, it is not surprising, that narratives *written* twenty centuries ago of events that occurred six hundred years before, were regarded by a modern German manufacturer of ancient Roman history as of less value than " old songs."

NOTES.

NOTE I.

So rare is it that besides the copy in the Philadelphia Library, I have met with notices of but three others. One is enumerated by Bishop Kennet in his Bibliothecæ Americanæ Primordia (p. 244) among the donations to "The Society for the propagation of the Gospel in Foreign parts," another in the collection of Mr. Aspinwal, American Consul in London, and the third in the catalogue of the curious library of the Hon. Mr. Nassau, sold some years ago in London. These two last notices may refer to the same copy.

NOTE II.

This Island no longer retains the name of Palmer. There is an interesting piece of local history connected with it, which I transcribe from Fuller's Worthies of England, (I. 387 4to edit.) "Edward Palmer Esquire, (uncle to Sir Thomas Overbury,) was

"born at Limington, in this county (Gloucester) where his ances-
"try had continued ever since the conquest.

"His plentiful estate offered him opportunity to put forward
"the ingenuity impressed in him by nature, for the public good;
"resolving to erect an academy in Virginia, in order whereunto
"he purchased an Island called Palmer's Island unto this day,
"(about 1660;) but in pursuance thereof, was at many thousand
"pounds expense, (some instruments employed therein not dis-
"charging their trust reposed in them with corresponding fide-
"lity.) He was transplanted to another world, leaving to poste-
"rity the memorial of his worthy but unfinished intentions.

"This Edward Palmer died in London, about the year 1625."

It must be to this island that Captain William Clayborne, who made so prominent a figure in the early annals of Maryland, alludes when he petitions the king in 1638 for redress of grievances, he alledges to have endured from Lord Baltimore's people, "And "the petitioner having likewise discovered (and established) a "plantation and factory, upon a small Island in the mouth of a ri-"ver at the bottom of the bay, in the Susquehannock's country, at "the Indians desire and purchased the same of them; by means "whereoff they are in great hopes to draw thither the trade of "beavers and furs, which the French now wholly enjoy in the "great Lake of Canada, which may prove very beneficial to your "majesty, and the commonwealth; but by letters sent him thence-"forth, your petitioner is advised that the Lord Baltimore's agents "are gone with forty men to supplant the petitioners said plan-"tation, and to take possession thereof and seat themselves "thereon."

Bozman's Maryland, p. 332.

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NOTE III.

This map maker's ignorance of the breadth of North America, was countenanced by high authority—"And now all the question

"is only how broad the land may be to that place from the head "of James River above the falls; but all men conclude if it be not "narrow, yet, that there is and will be found the like rivers issu- "ing into a south sea or a west sea, on the other side of those hills, "as there is on this side when they run from the west down into "a east sea after a course of one hundred and fifty miles; but of "this certainty Mr. Hen. Briggs, that most judicious and learned "mathematician, wrote a small tractate and presented it to the "most noble Earl of Southampton, then Governor of the Virginia "Company in England anno. 1623, to which I refer for a full in- formation," (A perfect description of Virginia 1649 4to., reprinted in II. Trans. Mas. Hist. Soc. IX. 115.) Thus it would seem that grants of territory extending from sea to sea, were made upon the presumption, that the seas were nearer three hundred than three thousand miles apart.

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NOTE IV.

The Dutch made strong and repeated professions of friendship for the Irquois, the value of which is clearly indicated in Le voy- age et naufrage du P. Crespel, p. 55. "Les Hollandois avoient "un fort à peu de distance, des terres des Agniez, (Mohawks) "and ce fort étoit situé sur une riviere nommée Maurice, dont le "cours tendoit au sud. Les François and les Hollandois entre- "tenoient une bonne intelligence. Les deux nations étoient unies "au point que les François lorsqu' ils avoient guerre avec les Ir- "quois etoient avertis par les Hollandois des mouvemens, and des "projets de ces peuples qui venoient à leur connoisance." This curious piece of information is derived from the "Relations an- nuelles du Canada."

NOTE V.

It is to be regretted that Mr. Heckewelder is not alive to give the meaning of this choice specimen of aboriginal euphony. In his time he was regarded as universal referee and prime authority in these matters, and it is but doing justice to the worthy old gentleman's obliging disposition, to say that all inquirers were answered. Mr. Heckewelder may have been a philologer of acumen, and, moreover, au fait in the niceties of the language of his favourite tribe; but some of his solutions strike the general reader, myself among the rest, as not being particularly happy. But the present is not the proper occasion on which to point out those infelicities.

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NOTE VI.

This list I believe embraces them all:—

The history of the Colony of Nova Cæsarea or New Jersey, by Samuel Smith, Burlington, 1765, 8vo.

An examination of the Connecticut claim to lands in Pennsylvania, Philadelphia, 1774. This writer makes the grant to Ployden, the foundation of the Duke of Yorks grant in 1664.

Both the editions of the Annals of America by Abiel Holmes, D. D., 1805 and 1829, 2 vols. 8vo.

In an address to the associated members of the Philadelphia Bar by William Rawle, in 1824, the probability is expressed, that William Penn on reaching the shores of the Delaware "found a few remnants of Sir Edmund Ployden's colonists.

History of the State of New York, by Joseph W. Moulten, Part II., Novum Belgium New York, 1826, 8vo.

Sketches of the Primitive Settlements on the River Delaware, by James N. Barker, Philadelphia, 1827, 8vo.

History of Pennsylvania, by Thomas F. Gorden, Philadelphia, 1829, 8vo.

History of New Jersey, by the same, Trenton, 1834, 8vo.

History of the Colonization of the United States, by George Bancroft, Boston, 1837, 8vo.

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NOTE VII.

This junction of the sword and the word, though more consonant with the missionary sympathies of another church, and of an earlier period, had a few years before the date of this suggestion, an advocate in a prebendary of the Church of England better known, however, by his geographical than by his theological labours. In "The Epistle dedicatorie" prefixed by Richard Hakluyt, to his "Virginia richly valued by description of the Maine "land of Florida, her next neighbour, London, 1609, 4to," occurs this sentence. "To handle them (the natives) gently, while gentle "courses may be found, it will be without comparison the best; "but if gentle polishing will not serve them, we shall not want "hammerous and rough Masons enow; I meane our old soldiours "trained up in the Netherlands to square and prepare them to our "preachers hands."

PARERGON.

The impression that there was a grant of this description made but not acted upon, is formed by encountering notices of the subject entirely unconnected with the printed labours of Beauchamp Plantagenet. Heylyn, a contemporary writer noticing in his Cosmography, the Dutch occupancy of a portion of North America claimed by England: adds, but without giving his authority, "Complaint whereof being "made unto King Charles, and by him represented to the "States of Holland, it was declared by the said States in a "public instrument, that they were no ways interested in it; "but that it was a private undertaking of the West Indian "Company of Amsterdam, and so referred it wholly to his "majesty's pleasure. Which being declared, a commission "was forthwith granted to Sir George Culvert to plant the "Southern parts thereoff, which lie next to Virginia, by the "name of Maryland, the like not long after to Sir Edmund "Ployden for planting and possessing the more Northern

"parts, which lie towards New England, by the name of New "Albion."—(Lib. IV, p. 96, edit., 1669.) This is repeated in a pocket commentary of the first settlement of New Jersey. New York, 1759, 4to.

In Burke's History of the commoners of Great Britain Ireland, occurs this passage. "The second son of Francis "Plowden, of Plowden in Shropshire, was Edmund of "Wansted in Hampshire, styled in his will 29 July, 1655; "Sir Edmund Plowden, Lord Earl Palatine Governor, "and Captain General of the Province of New Albion, "in America." (III. 253.) Berry in his work before referred to, makes no mention of Plowden of Wansted in Hampshire.

It is probable that Beverly alludes to this subject, when remarking, that the "precedent of my Lord Baltimore's "grant was hint enough for other courtiers (who never in-"tended a settlement as my Lord did) to find out some-"thing of the same kind to make money of."—(Hist. of Virginia, pt. I. 49.)

In the year 1784, a certain Charles Varlo announced himself in this city as agent for the Earl of Albion. He produced as his credentials, a pamphlet containing among other documents, "A true copy of the grant of King Charles "the First, to Sir Edmund Plowden, Earl Palatine of Albion, "of the Province of New Albion, in America, June 21, "A.D. 1634." This instrument is obnoxious to several objections:—The style is not that of the period assigned to it.

Edmund Plowden holds his dignity of Earl Palatine of New Albion, in America, from Charles I., "as of our crown of Ireland in capite," depends upon "our royal person and imperial crown as King of Ireland," and the document seemingly emanates from the deputy general of Ireland at

Dublin. It is true, that James I., as King of Scotland, granted Nova Scotia to Sir William Alexander, to be held as a fief of the Scottish crown. This anomalous procedure, so regarded by civilians, of James, indicated his desire to elevate the dignity of Scotland, but no such views with regard to Ireland have been imputed to his son.

Absolute precision in American geographical statistics was not to be expected in 1634, but as the grantee had "formerly discovered at his own great charges and ex-"penses a certain island and region, and amply, and co-"piously peopled the same with five hundred persons," something less vague than the following description might have been looked for; "all that entire island near the con-"tinent, or Terra Firma of *North Virginia*, called the Isle "of Plowden, or *Long Island*, and lying near, or between "the thirty-ninth and fortieth degree of North latitude, to-"gether with part of the continent in Terra Firma aforesaid, "near adjoining, described to begin from the point of an "angle of a certain promontory called *Cape May*, and from "thence to the Westward for the space of forty *leagues*, "running by the River *Delaware*, and closely following its "course by the North latitude, unto a certain rivulet there, "arising from a spring of the Lord Baltimore's, in the lands of "*Maryland*, and the summit aforesaid to the South, where "it touches, joins, and determines in all its breadth; from "thence takes its course into a square, leading to the "North by a right line for the space of forty leagues; and "from thence likewise by a square, inclining towards the "East in a right line, for the space of forty leagues to the "river, and part of *Reacher Cod*, and descend to a savan-"nah, touching and including the top of *Sandheey*, where "it determines; and from thence towards the South by a

"square stretching to a savannah which passes by, and "washes the shore of the island of *Plowden* aforesaid, to "the point of promontory of *Cape May* above mentioned, "and terminates where it began." This suspiciously misty outline contrasts strongly with the clearness and precision, with which the boundaries of Maryland were laid down two years before.

Lastly,—This instrument, slightly altered, is as close a version of Lord Baltimore's grant, as could be effected by a very indifferent Latin scholar. The translator, not familiar with the construction of the language of the original paper, sometimes makes several English sentences out of one Latin, at others, reverses this process and the destruction of all sense and meaning is the result. Some of his verbal renderings are curious—as a specimen, "Insulas et Insululas natas vel nascendas," become "Islands and isles floating, or to float." I may remark here, that the charter for Maryland, as it appears in Hazards State Papers I. 327, is defective, abruptly terminating with the first four words of a sentence—*Eo quod expressa mentio.* This deficiency is partly supplied in the Varlo contribution to the same vol., p. 169. I say partly, because the additional sentence is without meaning as it now stands.

One of the documents in the pamphlet is "Registered in St. Mary in Maryland, along with many other deeds concerning Albion." Rather an odd place of deposite for them,—an infant settlement in another jurisdiction. I wonder whether Mr. Varlo was aware, that the papers deposited in St. Mary were removed by Clayborne and Ingle, and that most of them were lost? if so, he was prepared to account for the non-appearance of the archives of New Albion among the colonial documents of Maryland.

The only copy of Varlo's tract I ever met with was in the possession of his legal adviser, the late William Rawle, Esq. It was reprinted with the exception of the fourth chapter in Hazard's Collection. The portion omitted there is here supplied.

" CHAPTER IV.

" The address of the Right Hon. Lord Earl Palatine of Albion, to the public.

" True and lawful heir of Sir Edward Plowden, created Earl Palatine of Albion, to whom the charter was granted, did, in the late war, with great grief of heart, behold his territories invaded, his people harrassed, butchered and plundered, and others who had not resolution enough to resist temptation, persuaded by a ministry *who* (to say no worse) had more their *own* than their country's interest at heart, to imbrue their hands in the blood of their kindred, friends, and countrymen, and instead of keeping up the dignity of the crown, to trample under foot, all charters, grants, and laws, which ought to be kept sacred by all honest and true men to their king and country.

" What faith can be expected amongst men, if those to whom they look up for protection, be the first who set an example of perfidy?

" The Earls predecessors bled for and conquered his territories, and at great expense and trouble, peopled, settled, and planted the Christian religion therein, as appears by the leases he granted to Sir Thomas Danby, Lord Monson, Mr. Price, Captain Claybourne, &c. &c., wherein he bound each to find a number of men, to assist in that laudable undertaking.

" The situation of Lord Albion was very precarious at the breaking out of the late war, for though he detested the (language held out by the ministry) of being brought to unconditional submission, well knowing, that tyranny must follow such haughty ideas; yet he could not follow the dictates of his own heart without breaking allegiance with the king, and which the charter forbids, therefore was obliged to stand neuter and wait the event, which by the assistance of the King of Kings, his worthy countrymen succeeded to his wish.

" When King Charles granted the charter, he seemed to have a true idea, how necessary it was for a colony or state to be governed by their own laws and members, (for says he) much mischief may ensue from waiting the tedious process of law, carried on at so great a distance from the mother country; neither can people at such a distance be so proper judges of its constitution as those who reside on the spot, as they certainly must know best how to enact laws for the good of a state, who assists in the vineyard, to bear the burden thereoff.

" Therefore, Lord Albion will always think himself very happy in concurring with, and assisting congress, and his countrymen, in planning and maintaining every act that may be passed for their ease, peace and welfare, so long as he has the honour of signing

" ALBION."

And now I suspect that critics in historical literature will place in the same category, the productions of Plantagenet and Varlo. As that of the latter is also appealed to by Mr. Bancroft, in his history of the colonization of the United States, p. 296, it behooves him to consider whether the truly recherché historical repast he has prepared, is improved by the addition of Mr. Varlo's floating island.

INEDITED LETTERS

OF

WILLIAM PENN;

FROM THE ORIGINALS

OR

AUTHENTIC COPIES.

READ AT VARIOUS MEETINGS OF THE SOCIETY

BY

J. FRANCIS FISHER.

LETTERS

OF

WILLIAM PENN.

The following letters are part of a collection I began some years ago, with the intention of assembling, as far as possible, all the unprinted correspondence of William Penn. The larger part of my copies were in a volume which I lent to a friend, since dead, by whom it was mislaid or lost—I regret this the more as I have neither leisure nor inclination to renew the trouble of collecting and transcribing them; but to preserve the few that remain in my hands from a similar fate, I have presented them to the Society for publication in its memoirs, hoping that the occasion may hereafter arise when a volume or two, containing all the letters of the Founder of our City and State, may be thought an interesting and saleable publication. Besides their historical importance, the letters of William Penn are surpassed by few others in beauty and eloquence; they breathe the spirit of philanthropy and patriotism, which we know animated his actions; and exhibiting all his inmost thoughts and feelings, must needs add a new charm to the character of our Great Lawgiver.

The following letters will only require a few notes for their explanation. They are chiefly addressed to noblemen, and are

remarkable for a graceful courtesy which will not, I hope, be thought inconsistent with the simplicity and sincerity which should distinguish a gentleman and a Christian. His language is courtly and even more humble than the usage of our days would require, in an address to Princes and their ministers; but William Penn, while he compromised no principle, was unwilling that the cause either of his colony or of his fellow sufferers for conscience sake, should suffer in his hands for want of the tone of politeness or reverence which the custom of the court demanded, still avoiding the use of those words so obnoxious to the strictest of his sect.

In the paper numbered 16, which is a memorial presented by William Penn to Queen Anne's Secretary of State—some grounds for a charge of inconsistency may be found. I shall not pretend to explain this, thinking the lawfulness of defensive war, an opinion which most sound minds must arrive at. All I am responsible for, is the genuineness of the paper, which is altogether in the hand-writing of James Logan, who was then with the proprietor in England, and who endorsed it as presented by William Penn to Lord Sunderland, 27th of March 1710—It was found among the papers of Edmund Physick. James Logan's sentiments were always in favour of the lawfulness and necessity of defensive war, and his arguments may have had some effect on his master's mind, then in its full vigour. His opinions were never concealed, he openly subscribed for the cannon and battery to defend the Delaware, and addressed a letter on the subject to the Society of Friends at their yearly meeting in September 1741—which they did not think proper to notice with any public mark of censure.

I hope these few prefatory remarks, may not be considered uncalled for. My profound respect for the character of William Penn will not be doubted.

J. Francis Fisher.

April 28, 1840.

1

TO THE LORD CULPEPPER.*

Chester, the 5th of 12th Month, 1682.

My Worthy Friend,

I received a letter from thee per Colonel Ed. Hill, recommending him in an interest he had in this Province. I was glad of any opportunity to express my inclinations to a good correspondence, and took the offer for a favour. How well I have acquitted myself I cannot tell; but I am sure his credentials and his own worth deserved all the kindness justice could allow, and if that be not done him, we are all mightily to blame. For defects in form, he will place to the account of our Infancy. I dare say, he will not prove an evil spye. His good nature will overrule his censure, and palliate our infirmities.

I was very glad to hear of thy arrival, not less that there was no need of it. I mightily love, that officious people should be disgraced by their over-business, as they are

* This was Thomas the second Lord Culpepper who was one of the Proprietors of Virginia, under a Charter of Charles the Second to him and Lord Arlington, and who had just arrived as the Governor of that Colony. Burnet calls him a profligate and corrupt man, and Mr. Bancroft in his history of the United States confirms that character. How he was related to the Springetts, does not appear by the Peerages I have consulted.

alwaies sure to inherit the shame of time and inquiry.—Yet in this we are beholden to them, that they have driven a man of quality and sense among us, to help to ballance against the uneven weight of the other side of the world.

Pray stay, and let us be the better for thy coming. Here is more room for parts with less envy, as well as more need of them: and to be happy in solitude, is to live of a man's own, and to be less a debtor to the contributions of others.

I am mightily taken with this part of the world: here is a great deal of nature, which is to be preferr'd to base art, and methinks that simplicity with enough, is gold to lacker, compared to European cunning. I like it so well, that a plentiful estate, and a great acquaintance on th'other side have no charms to remove; my family being once fixt with me, and if no other thing occur, I am like to be an adopted American.

Our Province thrives with people, our next increase will be the fruit of their labour. Time, the maturer of things below will give the best account of this country. Our heads are dull, what fineness transplantation will give, I know not; but our hearts are good and our hands strong.

I hear thou intendest a progress into Maryland this summer. If this place deserve a share of it, all that I can command shall bid thee welcome. I am, thou knowest, an unceremonious man; but, I profess myself a man of Christian decency, and besides, a relation by my wife, whose great-grand-mother, was thy great-aunt.

With all sincerity, &c.

W. P.

2

TO THE LORD HYDE.*

My Noble Friend,

I humbly take this opportunity by a gentleman of Virginia, Colonel Hill, (recommended in an interest he hath in this Province to my favour, by the Lord Culpepper) to pay my sincere respects, beseeching God to remember and retaliate to thee and thine the many favours I am indebted to thee. I thank God, I am very well and the Province thrives. I hope the Crown will sensibly receive honour and credit, and profit by it. But humanely speaking, it will much depend upon the benigne influence of thy power and goodness; and there I humbly leave it, as thence, in a great measure (I must say) I originally fetcht it.

In my last per a Maryland Conveyance, I sent a letter with one in it to the Duke. I did therein inclose a natural boundary for the tract of land he so often pleased to promise a patent for, and which, it is so much his own interest to quicken Sir J. Warden in, who I hear is too Spanish, and as he told me they call him in Spain, Don Juan del Ablo (?), for my agent can hardly make him understand the Duke's commands, without a more powerful interpreter. The draught of the bounds is in my agents hands, I most humbly pray thy favour in its despatch. The planters must resort to those two counties. The quitrent is a penny per acre,

* This was Laurence Hyder, second son of the great Earl of Clarendon, afterwards Earl of Rochester. He occupied high offices under Charles, James, and Queen Anne, was esteemed an adroit courtier; but a sincere and honourable man, and seems always to have been the friend of William Penn.

formerly little more than a farthing per acre. I have ordered two manors for the Duke, of ten thousand acres a piece, and intend two more. Their value, besides the quitrent, will be great in a few years.

I shall add only, that my good wishes are most sincere and fervent for thy true prosperity, as becomes one that by all gratitude is bound to approve himself, &c.

W. P.

Pray let Pennsylvania furnish the King, the Duke, and thyself, with Beavers and Otters, for Hatts and Muffs. I have sent some of each accordingly,—

'Tis the heart, not the gift that gives acceptance.—*Vale.*

Chester, the 5th of the 12th Month, 1682.

3

TO COLONEL HENRY SIDNEY.*

My Old Worthy Friend,

The great parts of friendship are love, truth, and constancy, and from the time it pleased thee to receive mine, it hath not wandered in any one respect, but I still love and honour thee, and would be glad I could be of any service to thee; at this distance, to be sure, I cannot, but neither

* This was the third son of the Earl of Leicester, and brother of the celebrated Algernon Sidney—to him, and not to Algernon, it is believed the letter of William Penn, published in the last volume, is addressed. He took an active part in the Revolution of 1688, and was created by William and Mary, Earl of Romney. He is described by Burnet as a "Graceful man who had lived long at court—of a sweet and caressing temper, with no malice in his heart, but too great a love of pleasure." He was long and sincerely the friend of William Penn.

can distance wear out the impressions a long and kind acquaintance hath made upon my mind.

'Tis with this familiar talk I begin to entertain thee, though a great man, now in the Government, and long deserving to have been so in thyself, nor shall I ask any excuse for this freedom with a person whose good-nature will not be offended, and whose good sense loveth little ceremony in writing.

I writt from sea a begging letter for a few fruit trees of the Lord Sunderland's gardner's raising out of his rare collection, that by giving them a better climat, we may share with you the pleasure of excellent fruit, the success of which I hear nothing of.

I have been here about nine months, and have had my health, I thank God very well; I find the country wholesom, land, air, and water good, divers good sorts of wood and fruits that grow wild, of which plums peaches and grapes are three; also cedar, cyprus, chestnut, and black walnut and popler, with five sorts of oak, black and white, Spanish red and swamp oak the most durable of all, the leaf like the English willow.

We have lay'd out a Town a mile long, and two miles deep. On each side of the town runs a navigable river, the least as broad as the Thames at Woolwich, the other about a mile over. I think we have near about eighty houses built, and about three hundred farmes settled round the Town. I fancy it already pleasanter than the Weald* of Kent, our soyl being clearer, and the country not much closer; a coach might be driven twenty miles end-waies. We have had fifty sail of ships and small vessels, since the last summer in our river, which shows a good beginning.

* A tract of land of deep clayey, marly and loamy nature, extending through the centre of Kent, and remarkable for the growth and number of its trees.

And, though I hope God will prosper our honest care and industry, yet a friend at Court is a good thing, and I flatter myself to believe, I shall never want one while thou art there. Wherefore give me leave to recommend the bearer my agent and kinsman, Captain William Markham, to thy favour and power. I hear the Lord Sunderland is Secretary of State again;* I also remember his kind promises, and the mighty influences thou deservedly hast upon him; pray use it in my affair, that not only I and my family, but the Province may owe a singular acknowledgment to thy kindness. That, in which I so earnestly solicit thy assistance, he will better communicate than I can write it; and I would not make my letter troublesome. The business is just, and honourable, and prudent for the Crown to hear me in, and that I hope will make it easie to my noble friends to favour me. I have written to the Lord Sunderland about it, for it belongs to his station, and since no man can better welcome it to him than thyself, let me throw myself upon thee, and begg both thy introduction of him and countenance of the business to the Lord. God will reward thee, and we here shall rest the debtors of thy goodness, with much thankfulness.

I have only to ask pardon for a poor present I send, of the growth of our country. Remember that the offerings of old, were valued by the hearts of them that made them; which gives me assurance it will be accepted.

I hear little news, and am not very careful of it; but a line of thy health, and success of thy affairs will be very

* Lord Sunderland was nephew by his mother, of Colonel Sidney.

pleasant: nobody interesting himself with more affection and sincerity in thy prosperity than

My worthy friend,
Thy very faithful friend,
WILLIAM PENN.

Philadelphia the 24th.
Of the 5th month, (July,) 1683.

I know not if your brothers are on so good terms or allyance with me, that I may remember myself to them.—*Vale.*

For Colonel Henry Sidney,
in Leichesterfield.

4

MY NOBLE FRIEND,*

This distance will not suffer me to forgett the many favours I am indebted to thy singular kindness, and that I may be sure to remember them, I do not only wear a due sense of them always about me, but the Country I possess does constantly putt me in mind of those Noble persons that were my benefactors, among whom thou wert not the least.

I should rejoice to be able to yield some service, in proportion to so great an obligation, but despairing now of that, I can only say, I hope my conduct in this affair shall justify the kindness of my Noble friends; and that in the opinion of those that least wisht well to my interest in this acquisition.

I thank God I came well in six weeks time, find the land good, the aire sweet and serene, the provision divers

* This is transcribed from a copy without address or date—it was written however, during the winter of 1682-3.

and excellent in its kind—beef, mutton, veal, pork, all sorts of admirable fowl, good venison, bread, butter, beer and cider, not inferior to England, and of these things great plenty and cheap. There seems to me no want, but of industrious and ingenious people, to render these parts at least equall to the best reputed places of Europe.

I shall have that regard to the honour and advantage of the Crown, as well for private profitt in the guidance and improvement of this Plantation, that I hope by God's assistance in seven years, to be able to come into the scale against plantations of forty years standing.

God Almighty recompense to thee thy many kindnesses to me and myne. I humbly pray the continuance of thy favour, and that it would please thee to allow me room in the list of these that truly profess themselves what I am,

Thy very obliged and cordiall friend

William Penn.

5

TO THE DUKE OF YORK.

GREAT PRINCE,

It is some security to me, and an happiness I must own and honour, that in these my humble and plain addresses, I have to do with a Prince of so great justice and resolution, one that will not be baffled by crafts, nor blinded by affection; and such a Prince, with humility be it spoken, becometh the just cause I have to lay before him.

Since my last, by which I gave the Duke to understand that the Lord Baltimore had sent agents to offer terms to the people, to draw them from their obedience of this Go-

vernment, where his Royal Highness had placed them, and that without having any special order for the same, it hath pleased that Lord to commissionate Colonel George Talbot to come with armed men, within five miles of New Castle Town, there upon a spot of ground belonging to one Ogle that came with Captain Carr, to reduce that place by force, erected a fort of the bodies of trees, raised a breastwork, and pallisaded the same, and settled armed men therein.—The President of that town and county together with the Sheriff and divers magistrates and inhabitants of the same went to the said fort, demanded of Colonel George Talbot the reason of such actions, being a warlike invasion of the right of His Majesty's subjects, never in his possession. He answered them, after having bid them stand off (presenting guns and musquets at their breasts,) that he had the Lord Baltimore's commission for what he did. The President being an old experienced man, advised him to depart, and take heed how he obeyed such commands as these were, since acting in such a way of hostility against the rights of His Majesty's subjects not in rebellion, and not by his commission, might cost him and his Lord dear in the issue. He still refused—upon which proclamations were made in the King's name, that they should depart; but he with some more would not depart, but in the name of the Lord Baltimore, refused to go in the King's name; and there the garrison is kept, the commander and soldiers threatening to fire upon, and kill all such as shall endeavour to demolish the block-house, and say they have express command so to do from that Lord.

How far these practices will please the King or Duke is not fitt for me to say; but, if not mistaken, I shall be able to make evident by law, he hath almost cancelled his allegiance to the King herein, and exposed himself to his mercy for all he hath in the world.

I hear he is gone for England, and was so just to invite me by a letter in March, delivered in the end of Aprill, informing me that towards the end of March he intended for England. This was contrived that he might gett the start of me, that making an interest before I arrived, he might block up my way, and carry the point. But such arts will never do, where there is no matter to work upon, which I am abundantly satisfied they will not, they cannot find in the Duke, with whom I know he hath great reason to ingratiate his cause and malconduct, if he could.

I am following him as fast as I can, though Colonel Talbot, since his departure, threatened to turn such out by violence, as would not submit to him, and drive their stocks for arrears: believing that the worse the better, I mean the more illegal and disrespectful he and his agents are, to His Majesty and Royal Highness, and humble and patient I am, they will the more favour my so much abused interest.

I add no more, but to pray that a perfect stop be putt to all his proceedings till I come, who hope to show myself the King's dutifull, and (in reference to his American Empire,) not unuseful subject, and as well as the Duke's

most faithful friend, to serve him
to my power,

William Penn.

Philadelphia,
The 8th of the 4th month (June,) 1684.

6

TO THE EARL OF SUNDERLAND.

MY NOBLE AND OLD FRIEND,*

The station in which it hath pleased his Imperial Majesty to place me in his American Empire, commands this direction from me, and therefore excuseth the Freedom of it, though the liberty thy former kindness giveth me would not let me despair of acceptance, at least of pardon.

My last gave some account of the carriage of the Lord Baltimore, and his agents in reference to this Province and annexed counties, conveyed to me by deed of feofment from the Duke: since which time, he hath made great advances with what justice to me, duty to his Majesty, and safety to himself, I leave to my superiors to judge. He hath not only sent Agents into this Province and Territories to excite the people to decline their faith and obedience, in express contempt of the King and the Duke's grants and commands; and since that clandestine work, published declarations to the same effect; but, finding these attempts of no force to alienate the affections of the people from the Government, he did about * * last commissionate Colonel George Talbot to come with a number of armed men within the county of New Castle and five miles of the town itself, who there by his authority and in his name, presumed to cutt down trees, make a Fort, raise a Breastwork, and pallisaded the same, upon a piece of land belonging to one Ogle, an old tenant of the Duke's, and one that came over with Cap-

* Through good and ill report, William Penn ever bestowed his affection on this Nobleman, his friend from their college days at Oxford, as long as he could recollect or feel any thing.

tain Carr, who under His Majesty, reduced the place from the Dutch; which fort being so built, he placed armed men there, in the nature of a garrison, to the terrour of the King's loyal and loving subjects of that place, and to the admiration of those of their own and other our neighbouring Provinces—Being by the President, Sheriff and others the Magistrates and inhabitants of that county commanded to depart, and that by proclamation in the King's name, the said Talbot and some of his armed followers, in the name of the Lord Baltimore, refused to disperse in the King's name; and to aggravate the crime, held their guns and musquets at the breasts of the said President, Sheriff, and Magistrates, while they executed their office of civil Magistrature.

If I err not, and I am almost confident I do not, this way of deciding differences under an Imperial Soveraign, is to act the soveraign, and cancell that allegiance which teacheth subjects, (and such we are) to waite and yield to the judgment of him who is soveraign.

This doctrine hath tied the hands of the inhabitants of this place from absolute war on their part. I tell them that our great *Justinian** must issue this difference, take this fort and gett the victory; and if the Crown itself disowns not the power of raising forces against subjects in rebellion, the Proprietary of Maryland, is more concerned to defend his fort against the King, than we are to defend ourselves against his fort, which is plainly acting in a way of hostility against the subjects of our Soveraign Lord the King, now under his obedience and protection.†

* When we recollect the Habeas Corpus Act, and other great improvements of English law during this reign, and also that besides our own province, Rhode Island, Connecticut, New Jersey, and Carolina owe their charters, and under these their constitutions to Charles II.—a comparison with Justinian, ought not to be regarded as flattery.

† In this sentence, William Penn certainly admits the necessity and law-

This hath drawn the inclosed declaration from me, for maintenance of the Imperial authority of the Crown to judge against the supersedeas of force in any subject, and the more to deterr the present actors of this foolish tragedy, and the better to hold the people of this Province and Territories within their due obedience, according to his Majesty's letters patents, and his Royal Highness's graunt.

My humble motion from these premises is this, that though I am following this lord as fast as I can, my circumstances may be so far considered, at that *first*, nothing may be done in this affair till I am on the spot. He took care to prolong my notices of his going for England till gone, or just upon it, that I having all to do in reference to the settlement of this Country, he might gett the start, and endeavour to block up my way: but I hope these acts will find no matter to work upon to my disadvantage. My case is plain and fortified, by the very opposition of my adversary. I hope to acquitt myself with duty to the King, and reputation to those Noble friends, that have at any time yielded me their countenance. In the mean time, I humbly pray a command from his Majesty, to quiet all things, and that all remain as it was before these attempts of the Lord Baltimore, till a fair decision by our great judge the King: and that one be directed to me or my deputy, or lieutenant, and another to the Proprietary (of Maryland,) or his deputy, or lieutenant, which I humbly conceive is necessary for the peace of his Majesty's subjects of these Provinces.

Which said, my Noble friend, take me and my family into thy protection, which shall never be desired against justice

fulness of military force, for the support of government, and for the defence of public and private rights against rebels and rioters in arms.

and reason by him, that with much truth and affection, prays to profess himself

My Noble friend,
Of all the debtors of thy goodness
Thy most obliged,
William Penn.

I humbly pray my duty to the King, and that this may be read to His Majesty, and, if need be, to the Councell, as my dutiful account to the King and his Councell, by the way and hands of a principal Secretary of State, the usual method of direction in business of like nature, to the best of my poor skill.

W. P.

I pray my respects to my Noble friends the Marquess of Hallifax and Earl of Rochester and my old friend, Coll: Henry Sidney.

Philadelphia,
The 8th of the 6th month, (June,) 1684.

7

TO THE PROVINCIAL COUNCIL.

William Penn Proprietor and Governor.

I salute you all with unfeined love; and in Christ Jesus, wish you health and happiness.

My last is by the same hand, this being sent to the Downs after him upon the receipt of Thomas Lloyd's and William Markham's letters.

I am heartily sorry that I had no letter from the government, indeed, I have hardly had one at all; and for private

letters, though from public persons, I regard them but little; I mean, as to takeing of my public measures by: for I finde such contradiction as well as diversity, that I believe I may say, I am one of the unhappiest Proprietarys with one of the best people.

If this had not been complained of in myn by Ed. Blackfain, I should have been less moved at this visible incomplacency and neglect.

Had the Goverment signed, I mean those that are the most eminent in authority, by consent of the rest, it had given me some ease and satisfaction; but as it is, 'tis controversy rather than Government, which stands and lives, and prospers, in unity, at least of the governing part, whatever be their affections: for men may agree in duty that dislike one anothers naturall tempers.

I shall henceforth, therefore, expect letters from the Government, recounting the affairs of it, that they may be authoritative to me; and as many private one's of love and friendship as you please besides, for that I also rejoice in; and any particular advices that may inform me as to the public, or remedy what may be amiss, or meliorate what is in itself well, will also be very acceptable to me.

Now I have said this, I cannot but condole the loss of some standards in the Province, honest men and of good understandings in their kinde—The Lord avert his judgements, and constrain all by his visitations to amend, be it in conversation, or be it in peace, concord and charity.—They that live near to God, will live far from themselves; and from the sense they have of his nearness and Majesty, have a low opinion of themselves; and out of that low and humble frame of spirit it is that true charity grows, the most excellent way.—Ah! what shall I say? There can be no union, no comfortable society without it—Oh! that the people of my Province and parts annexed, felt this gra-

cious quality abounding in them. My work would soon be done, and their praise and my joy, unspeakably abound to us. Wherefore, in the name and fear of God, lett all old scores be forgotten as well as forgiven. Shutt out the remembrance of them, and preach this doctrine to the people, in my name, yea, in the King's name, and His that is greater and above all, namely, God Almighty's name.

I am sorry that Thomas Lloyd, my esteemed friend, covets a quietus, that is young and active and ingenious, for from such it is, I expect help; and such will not sow I hope in vain; but since 'tis his desire, I do hereby signify his dismiss from the trouble he has borne, (for some time of rest and ease at last,) and do nominate to be commissionated in my name, under the great seal, till further order Samuel Carpenter, who, I hope, will accept and industriously serve that station, else Thomas Ellis, who has an office that requires his attendance. Having one in my eye, that may see you shortly, as a man richly qualified for that station.

Robert Turner, of course has the chair for the first month after the receipt of this, and the rest alternatively, monthly if you finde that convenient, as I believe it will be most easy: else lett the Senior Counsellor have it always.

I have only to recommend to you the due execution of the divers good laws among you impartially and diligently; not neglecting the orders from hence sent, especially for peace and concord. Goverment is not to make, but to do and dispatch business, in which few words, and a quiet but brisk execution does best—Wherefore, consider well what is just or fitt, the one in law, the other in prudence, (where you have room to use it) pursue in all cases, and no matter what any say or object.

I write to you about my quitrents. I am forced to pay bills here for the support of my family when there, while I

have four or five hundred pounds per annum, in quit-rents there. You may remember the vote of Councell to pay my charges in this expedition. I could draw a large bill upon the Provincial Councill in that regard, I am sure I need it, but have forebore; though it is none of the endearingest considerations, that I have not had the present of a skin or pound of tobacco since I came over; though they are like to have most advantage by it, and promised so much.

Pray prevent people withdrawing from us what you can. They cannot mend themselves, and they that goe will finde it so in a while, for I believe God has blessed that poor place, and the reason of my stay here, and the service I am and have been to the conscientious shall be rewarded on my solitary Province.

Remember me to the People; and lett them know my heart's desires towards them, and shall embrace the first opportunity to make my abode with them.

Once more, lett me hear from you, and have a copy of the laws as my other letter directs, and you shall soon hear from me to your content. And so I bid you heartily farewell.

Given at Holland House, this 27th of the 10 month, (December) 1687.

For my trusty and well beloved friends, Thomas Lloyd, Robert Turner, James Claypole, John Simcocke, and John Eccly, at Philadelphia, or any of them.

8

TO THE LORD SHREWSBURY.

I thought it would look rather foolish than innocent to take any notice of popular fame, but so soon as I could inform myselfe that a warrant was out against me, (which I knew not tell this morning) it seemed to me a respect due to the Government, as well as a justice to myselfe to make this address, that so my silence might neither look like fear nor contempt: for as my innocence forbids the one, the sense I have of my duty will not lett me be guilty of the other.

That which I have humbly to offer is this—I do profess solemnly in the presence of God, I have no hand or share in any Conspiracy against the King or Government, nor do I know any that have; and this I can affirme without directing my intention equivocally. And though I have the unhappiness of being very much misunderstood in my Principles and Inclinations by some People, I thought I had some reason to hope this King would not easily take me for a Plotter, to whome the Last Government always thought me too partiall.

In the next place, as I have behaved myselfe peaceably, I intend by the help of God to continue to live so, but being already under an excessive Baile (where no order or matter appeared against me) and having as is well known to divers Persons of good Credit affaires of great consequence to me and my family now in hand that require to be despatcht for America, I hope it will not be thought a crime that I do not yield up myselfe an unbailable Prisoner, and pray that the King will please to give me leave to continue

to follow my concerns at my house in the Country, which favour as I seek it by the Lord Shrewsbury's Mediation, so I shall take care to use it with discretion and thankfulness.*

I am,

His Affectionate reale Friend
to serve him,
Wm. Penn.

Mar. 1st, Mo. 7th, 1689.

The four following letters copied from rough draughts in the hand-writing of William Penn, were written in 1681 and 1682, while under the accusation of the infamous Fuller, who was soon after convicted of his perjuries and suffered in the pillory.

Having been discharged for want of an accuser in the first year of William and Mary: dismissed as innocent by the Privy Council, in 1690, after his manly defence, and the noble avowal of his friendship for King James; again imprisoned under a renewed charge of treasonable correspondence, and again acquitted by the Court of Kings Bench; a new warrant for his apprehension, which, but for an accident would have been served on him at the grave of his beloved friend, George Fox, and, which did interrupt all his preparations for a voyage to America where his presence was greatly needed, seemed a new stroke of malignant persecution which conscious innocence could scarcely enable him to bear. It seemed that no defence, no acquittal

* His intimacy with King James was the sole ground of suspicion. He was soon afterwards discharged in open Court, no witness Appearing against him.

could silence his enemies, and he felt himself no longer bound to offer himself for arrest, but taking lodgings in some retired place, he wrote these letters to his noble friends. That they and the King were convinced of his innocence there can be no doubt; no further steps were taken for his apprehension, and he remained safe in his retirement till the storm had blown over, and his accusers perjury had been declared.

9

LETTER TO THE LORD ROMNEY—TO SHEW KING WILLIAM.

I thought I owed it to the King, to my Friend, and to myselfe, to make this Address which is with all humility, and the respect that becomes me and my very afflicting circumstances, which I take the Liberty by my Friends hand to recommend to the King's Justice and Goodness.

To his Justice—that he would not let himself be prevailed with to entertain such hard things of me, as the Ignorance of some, and art, and prejudice of others have suggested against me, for in those respects I am extremely injured—but if I am not to be believed, I can never hope to be justified in the opinion of the King, or of those that have been told ill things of me, against the current and designs of some people.

To his Goodness—To allow me to live quietly any where, either in this Kingdom, or in America, and that the King may be secured, that I will make no ill use of his Favour, I do not

only humbly offer my Solemn Promise of an inoffensive Behaviour, but the security of a Society of honest sober People, that I dare believe, will be the pledges of my peaceable living; than which no man can tender a greater to any Government in a personal Case.

My old and Good Friend, let me say with decency to the King, he owes thee as great a favour, and I will only add, that the King shall never have cause to repent of granting this request, but hope in some little time to convince him his Favour is not flung away, if he pleases to bestow it.

To Conclude, If I am not worth looking after, let me be quiet; if I am of any Importance, I am worth obliging, and it will, perhaps, serve the King more than making me and my poor Family unhappier than we are.

Pray him to reflect on what past the last time I saw him, and whatever any body tells him, I am neither more culpable, nor less sincere and candid than he was pleased to think me at that time.

I will not now make my Complaints, but he neither knows nor can approve of the hardships I have undergone these two last years—enough to have provoked (it may be) a better man to a less peaceable and submissive Conduct.

Lay my Case before him—I leave it with him, and God Almighty dispose him to regard me and myne, under our present great and pressing difficultys—for I confess I can by no means think him so prejudiced, or implacable as some represent him in my Affaire, and therefore I have refused all other Offers of future Safety or accommodation.

Make the Best use of this, and Yet allow me the old Style of

Thy Affectionate Faithful Friend,

William Penn.

22d A. 91.

ANSWER.

The King took it so as I should not have been displeased to have heard it.

10

ANOTHER LETTER ON THE SAME SUBJECT TO THE SAME NOBLEMAN.

Let me be believed, and I am ready to appear, but when I remember how they began to use me in Ireland upon corrupt evidence before this Business, and what some ill People have threatened here, besides those under Temptation, and the Providences that have successively appeared for my preservation under this Retirement, I cannot without an unjustifiable presumption put myself into the Power of my Enemys—Let it be enough I say, and that truly, I know of no Invasions, or Insurrections, Men, Money, or Arms for them, or any Juncto or Consult for Advice or Correspondency in order to it—Nor have I ever met with those named as the Members of this Conspiracy, or prepared any measures with them, or any else for the Lord S(underland?) to carry with him as our Sense or Judgment, nor did I know of his being sent for up for any such voyage—If I saw him a few days before by his great Importunity as some say, I am able to defend (myself) from the Imputa-

tions cast upon me, and that with great Truth and Sincerity—Tho in rigour perhaps it may incur the Censure of a Misdemeanour and therefore I have no reason to own it without an assurance that no hurt should ensue to me.

Noble Friend suffer not the King to be abused by lyes to my ruine. My Enemys are none of his Friends—I plainly see the design of the guilty is to make me so, and the most guilty thinking dirt will best stick on me—To which old Grutches as well as present Conveniences to others help not a little——Let me go to America or be protected here and it will oblige.

&c. &c.

—

ANSWER.

The King's hurry was so great, he could not do any thing in that nor in the whole Scotch business that pressed him, but on the way and in Holland, he would move him in it where I had fewer Ill wishers.

—

A letter to the Lady Renelagh to the same Effect to speak to Queen Mary a grave, religious and wise woman—what Else can I do. I know false witnesses are rife against me both here and in Ireland.

11

TO THE LORD ROCHESTER.

(*Written probably in* 1691.)

I own it is a great misfortune to lie under such strong prepossessions in a King, but it is some Comfort that they have been raised by such as have less deserved his protection or credit—but I will not be so vain as to hope I can move him to believe me, and desire to forgive those that at any rate served their turns upon me. But I own with great respect and thankfulnesse the intercession of Lord Rochester whatever be the event of it—and to that which he would know of me in reference to my going to America, I humbly say that thither I intend and must goe if God and the King Please—My concerns there suffer beyond Imagination by a constrained absence, but because my incumbrances here are known to too many to be great in divers respects as to fortune and familie, and in Ireland bad enough, whither I must go to settle my almost ruined estate as well as to take off the prosecution begun against me upon Fuller's evidence and such another Gentleman of his acquaintance, which as I expressed in my last will make it next spring before I can possibly be ready, at which time I intend as afore to set forward, and in the mean time follow my own occasions in as private and inoffensive a manner as I can.

I would not say all this nor use the precautions I doe, but for the most cruel and injurious characters some have loaded me with, (whom God forgive) that have deserved

better of a base world never hurting any and obliging many: But there will be another Judgment than private and prejudicated breasts, where I cannot appear so black nor such a polecat as I am rendered, who am not only made the abler to be the more guilty, but least my fault should not be sufficient, my virtues (gratitude to excess) must be aggravated to heap weight in the scale against me.

To Conclude—To America I was going in Aprill 91 if this misfortune had not hindered the January before, which is known to a hundred honest and substantiall people in the City, and had printed an Intelligence to all concerned and made a Proposition to others therein to that Effect ready to have engaged with me in a New Settlement: And the like I purpose now, with God's help—But as I am nott to trifle with the Government that can so easily see whether I doe or not, I desire it understood that I will not receive my Liberty to goe as a condition to goe and be there or here looked upon as an articled Exile—This I am sure the Lord Rochester understands and can best improve, to whose Goodnesse and Management I refer myselfe, begging that neither King nor Queen will look upon me with that severe eye, as I have been told they have done, above every body else; since whatever are my faults, falsehood and revenge are none, nor doe I desire their hurt tho' those that have incensed them against me must have designed my ruine.

Pardon this length and the impertinences of the afflicted that are always big with their own unhappinesses and believe me yet to be what I have ever profest

&c. &c.

12

A COPY OF A LETTER WITHOUT AN ADDRESS,

(*Written in* 1692.)

I cannot bring myselfe to think, if the King or Queen could believe I had no correspondencies abroad, nor were busy against them at home, and would sequester myselfe out of the way of having it in my power if I had the will to offend them, that they would distinguish me in so particular a manner to my prejudice. But how to gain that Belief in them, against the insinuations of my Enemys is the difficulty I labour under—In this case I can only say I am free of the first and solemnly promise the last and call upon those that know me to vouch.

If this will not do, and that all that is sayd must be believed against me, and that I must be the price of some peoples Ease and a sacrifice to the malice of others and that I only of all the men of the Kingdom must be undone, to the good and mercifull God I committ myselfe and family that has hitherto preserved us, and believe the time will come when those that are pleased to think so hardly of me now will allow me to be a most abused and most oppressed man.

But let me use a little freedom—I have been above these three years hunted up and down, and could never be allowed to live quietly in City or County, even then when there was hardly a pretence against me—so that I have not only been unprotected but persecuted by the Government

—And before the date of this business which is layd to my charge, I was indicted for high Treason in Ireland before the Grand Jury of Dublin and a bill found upon the Oaths of three scandalous Men—Fuller—One Fisher and an Irishman whom I know not, and the last has not been in England since the Revolution, nor I in Ireland these 20 years, nor do I so much as know him by name, and all their evidence upon hearsay too.

It may be it is the most extraordinary case that has been known; for that Law by which Englishmen are tryable absent, here or there, is because a Subject of these Dominions may commit Treason abroad where he cannot be tryed: But that an Englishman in England walking about the streets should have a Bill of High Treason found against him in Ireland for a fact pretended to be committed in England, when a man cannot legally be tryed in one County in England for a Crime committed in another—And the others are at ease that were accused for the same fault, and that Fuller is nationally staged and censured for an Impostor that was the Chiefe of my Accusers—my Estate in Ireland is notwithstanding lately put up among the Estates of Outlaws to be leased for the Crown, and the Collector of the Hundred where it lyes ordered to sieze my Rents and lease it in the name of the Government, and yet though I am not convicted or outlawed.

But tho' I am the sufferer and in more things than this, I would not exceed the Bounds of Moderation in my reflections: but I hope I may say that thirty years wont show such a case in these Kingdoms, and I hope the Government will finde an Interest as well as Justice and Goodness to put an end to my many Miserys. I am made able that I may be rendered guilty, and my obligations to be so are aggravated to render it more credible, that would rather call for allowances; so that

my Virtue, if Gratitude be one, is to be putt in the scale to give weight enough to my faults to destroy me.

I know my Enemys, and their true character and History and their Intrinsick vallue to this or other Governments. I commit them to time with my own Conduct and Afflictions.

13

TO ROBERT TURNER.

Hodson, 27th of 12th month 1693.

Loving Friend,

My extreme great affliction for the Decease of my dear Wife,* makes me unfit to write much, whom the great God took to himself from the troubles of this exercising world the 23d inst. In great peace and sweetness She departed, and to her Gain, but our incomparable Loss, being one of *ten thousand*, wise, chaste, humble, plain, modest, industrious, constant and undaunted. But God is God, and good—and so I hope tho afflicted, not forsaken.

I do beseech thee by our Ancient Acquaintance, by thy gravity and Age in the Truth, thy love for the poor Country, and above all, for the Truth's sake to be the means of a better Understanding among you there away, both as to Church and State. The more I hear of your Animositys, the sad Effects of them upon the Place, the Contempt it brings upon the Country, and the irreparable Injury it is to me, and my

* His first wife, Gulielma Maria, daughter of Sir William Springett.

poor Children, yea, upon yourselves and posterity, methinks should prevail. I can say no more, only my Love to thee and thyne, and Son, and Daughter, and entreat George Keith with my love, by the same motives, in my name to the same end and purpose; and God Almighty motify and dispose all hearts to the ancient tender blessed Unity, that his Peace may be with you, and your Enemys may not, as now they do, tryumph over you all, and the holy profession you make.

I am the more earnest with you because I am thought by several to have too much encouraged your George Keith &c., by my letters. I am for patience, forbearance, long suffering, and all true moderation, but I abhor contention, doubtful disputations, divisions, &c. O that the Spirit of God may rule and overrule our Spirits or all we have to say for God can never Glorify him—It is his own that praise and serve him.

I could wish my own concerns there, were in a better way but of that no more now. I yet hope in the Lord to see you again, and that not long first—Farewell—Thy real well wishing Friend.

William Penn.

14

TO FRIENDS IN PENNSYLVANIA.

London 4th of 12th month $9\frac{2}{3}$.

Dear Friends,

Considering how things stand and may stand with you and the visible Necessity the Province is under, as well as my own Interest and my earnest Inclinations that I speedily return—I have a proposal to make in which if you answer me I shall be able to make my stay safe from the Government, easy to myself, just to my Friends here, and this in reason I ought to desire—In consideration therefore of my very great expenses in King James' time known in some measure to J. H.* and my great losses in this King's time, the one being at least £7000, and the other above £4000 Sterling and £450 pr. ann. totally wasted in Ireland as J. H. can inform you; by which means I cannot do what is requisite to bring me among you without the time here which may injure our Joynt Interests or your Helps to shorten it—I do propose that an Hundred persons in Town if able, or Town and Country, do send me free of Interest, each of them, one hundred pounds for four years, or each of them more or less as able, so that it reach the sum, and I will give you my Bond to repay it to each of you in four years time, or if not payd in that time a sufficient interest for the whole that remains unpayd at four years end from that time

* James Harrison.

forward till payd.* I shall take it so kindly from you that if you gave me more at another time it should not equally please me, and it could not be done more seasonably for Yourselves and the whole Province; for depend upon it, and you have it under my hand, God giving health for it, I will not stay six months, no not three months, if I can in that time get a passage to remove to you with my Family also.—I hope to be more worth to you, and a great deal more to the Province, for here my back is turned of many —Some hundreds, if not thousands will follow, which will be your as well as my advantage—You may be informed of the reason of this proposal more particularly by R. T.† and J. H. if there be any need of it—Almighty God incline and direct you for the best; and determine quickly, for else my course will be as you may hear by J. H. otherwise in solitudes—My sincere love salutes you, and my wishes in the will of God are for all your Happiness whether I see you any more, which under God depends much upon your Compliance with my proposal; and those that close with it shall ever be remembered by me and myne—So with my love farewell.

Your Assured Friend,
William Penn.

* It is almost needless to state that this loan was not obtained.

† Robert Turner.

15

TO WILLIAM PENN PROPRIETARY AND GOVERNOUR OF PENNSILVANIA, &c.

*The Petition of David Lloyd and Isaac Norris Executors of the Testament of Thomas Lloyd deceased.

Humbly Sheweth,

That whereas, the said Thomas Lloyd having for the Space of nine Years served as President or Lieutenant Governour of this Province and Territory, and for part of that time was one of the Commissioners of Property there, In both which Stations he spent his Time and Money without any Compensation from the Public, By reason whereof his Estate was greatly impaired, And his debts are still unsatisfied, and not much left to pay them withall but Lands, some of which are not located and some want Confirmation, which cannot be had before the same be surveyed, particularly about 1100 Acres at or near Buckingham or New Bristoll which we sold—Also there are about 1300 Acres or upwards which the Testator (or his Brother for him) bought of Thee, and gave Bond for, which we understand is not paid—But about 1000 Acres of it was actually surveyed by David Powell in the Welsh Tract and upon

* This petition is published for the sake of its answer. They are not uninteresting, as showing the kind of claims W. Penn was constantly receiving from his deputys and officers in the Colony, and his generous disposition to answer them to the utmost of his ability. He surely had cause to complain of the Colonists for their neglect to provide for the expenses of Government.

Skoolkill and is protracted (as we understand) in the Draught of said Tract, but we have no return thereof from the Office—Also we formerly requested thee to grant us 1000 Acres in Lieu of so much land taken from us by the Marylanders upon Indian River in Sussex County, which we have no Answer to; And now, the Time drawing near that thou must leave us, We crave thy Order to thy Commissioners and Surveyor Generall for laying out and confirming the said Lands unto us according to our desire, that we may be the better enabled to pay the Testators Debt, with what speed we can:

And we desire thou wouldst be pleased to give us an Order to receive so much out of the Tax or Impost Money as may pay what may be judged reasonable for us to have for the said Thomas Lloyd's Service and other charges which he has Expended upon the Public Service of the Government—The Quantum we shall wholly referr to Friends to be chosen by thee and us.

David Lloyd.
Isaac Lloyd.

New Castle the 29th 8ber 1701.

THE PROPRIETARY'S ANSWER.

What I have not received I cannot pay—I am above all the Money for Lands I have sold, Twenty thousand pounds Sterling out of Purse upon Pennsylvania, I most solemnly affirm; and what has been given me pays not my coming and expense since come, as is well known to those concerned in my affairs: But I heartily recommend it to the Public to be considered—I acquitt the Bond as a token of

my Love and Remembrance,—and allow that the thousand Acres may be granted elsewhere in Lieu of that upon Indian River:—And that Land the Bond relates to in the Welsh Tract, formerly laid out to him, but in right of Charles, I would have confirmed—As also his Land of Christopher Taylor &c., in Bucks as is desired.

William Penn.

To my Commissioners of Property.

16

MEMORIAL PRESENTED BY WILLIAM PENN TO THE SECRETARY SUNDERLAND,

27 MARCH 1710.

(In the hand writing of James Logan.)

The French in the West Indies having failed of their usual Supplies of Provision from France by reason of their great Scarcity in that Kingdom, 'tis apprehended, that finding themselves under a necessity of endeavouring for those Supplies elsewhere, they will attack those two known Granaries of the English Dominions in America, New York and Pennsylvania, blest of late with good Harvests, and, if they attempt not a direct Invasion, yet by infesting their Coasts with the Ships of War and Privateers with which they at present abound in those Parts, they will totally ruin their Trade, starve our own Islands, and apply and enrich themselves with the Stores and Provisions of the Queen's Subjects there.

Further, 'Tis apprehended that those of Canada, who

from the Threats of an Invasion designed against them the last Year, have putt themselves into a much better Martiall Posture than they have been in heretofore, now, prompted by Revenge, will make those Colonies very uneasie on their back Parts by Land, which will render the Inhabitants much less capable of making a Defence by Sea.

'Tis therefore humbly proposed, that, if possible, an Addition may be made to the Ships of War now attending these Coasts, without Delay; and that, in the mean time, by the first Opportunities that present, of which some offer at this time, *Positive Orders* may be sent to the Commanders of the Queen's Ships now in America, especially in the Northern Parts of it, to be more than commonly vigilant and active in their Duty, and till such time as a Ship can be ordered to attend the Capes of Delaware, which (as is conceived being highly reasonable in itself and for the Queen's real service) is humbly requested, those Ships that attend at New York and Virginia may be ordered to extend their Cruises on each Side to Delaware, look into that Bay, and as there shall be Occasion convoy their Trading Vessels to Sea*—In issuing which Orders, if favourably granted according to the immediate Necessity that requires them, 'tis humbly prayed that all possible Dispatch may be given them, without which they can be of little or no service this Season, which will now be but too far advanced before they can with the greatest Dispatch arrive there.

* It appears in early commercial Letters which I have seen, that it was not unusual at this period, for some of the most eminent of the Society of Friends to place their vessels under the convoy of the King's ships.

18

WILLIAM PENN TO GOVERNOR GOOKIN.*

London, the 14th of 1st. Mo. (March,) 1711.

Honoured Friend,

About a month ago I wrote to thee by the Pacquet boat which I hope will come to hand long before this.

From my Letter by that Opportunity, thou will find I am treating at present about the *Surrender of my Government.* I am sensible that the People's late Endeavour to be more duly represented by such as will not make it their Business to thwart me and my just (but suffering) Interest there,† as has too long been done, may deservedly engage my Care over them in a much different manner from what I have for several years past been highly provoked to, and accordingly, they may assure themselves no regard of mine shall be wanting to them: But from what I have already undergone, I have been so far reduced to a necessity of taking these measures which were entered on a considerable time ago, that I still think it advisable to pursue them.‡

* A copy of this letter was found among Dr. Franklin's papers without an address; the contents show, however, pretty clearly, it was intended for the Governor.

† He refers to the entire change made in the Provincial Assembly, on the receipt of his celebrated Letter of Remonstrance of the 29th of June, 1710.

‡ His Treaty for surrender to the Queen was a few months later suspended by the paralytic attack, which left him incapable of legal acts for the rest of his life.

The circumstances of my Affairs and *Family* are such, that I cannot but think it expedient, as well for the *People* there as myself, to wind up the matter, and make the best Terms I can in my Life time; for after my decease, should I keep it till then, neither they nor I can be sure that it would be an advantage to them to have it continued as it is. I cannot however but account it very providential should this Treaty go on (as 'tis altogether uncertain, the Ministry having so many weighty Affairs on their hands,) that the Country has so far considered their Interest, as to send Representatives that will (I hope) be governed by Reason, and not think it a Merit to oppose me and those concerned for me.

I desire therefore that the Assembly may seriously and soberly consider what is fit for them in modesty to ask (of the Crown as well as me) and have enacted under the present Administration, without showing any fright at the apprehensions of a Change. I desire they may propose only what is necessary and reasonable in itself, and to all such Things, as far as they shall be approved by the Council; I desire thee to concur, and I doubt not afterwards but I shall get them passed here; for you see by the Order of the Queen in Council which I sent over about the 11th month 1709 most of the last Laws were approved. The Assembly in 1705-6 were pressing for an Act to empower Religious Societies to buy and sell Lands, to which some of the Church of England (it seems) shewed themselves averse, but so far as it tended to enable them only to purchase what might be necessary for accommodating any Community of People with a Meeting House, Burying Ground, School House, and such like Conveniences, and to make Estates in Mostmain; as far as I am able to judge of Affairs here, I believe there would be little or no Objection made to it, yet if any there cannot think it safe, that their Wardens should be thus im-

powered to dispose of what has been appropriated to such uses, I see no reason why they may not if they please have a Clause to guard against it; But, in short, I am willing such an Act should pass, and if thou apprehends any blame in it, turn it upon the People and me, and I shall here be very ready to defend it.

The same also for any Act that they shall think necessary for a fitting and requisite Affirmation to be taken in Evidence and for qualifying Officers, which I wish might be brought as near as may be, to that passed in Coll. Fletcher's time, and approved by the late King, but as 'tis absolutely necessary there should be some provision made in that case, which is not to be done here, nor any where but among themselves, it will be incumbent on thee to pass such a Bill for that purpose as the House can agree to.

But while I propose to answer the People's desires in what is for their Ease and Advantage, 'tis but reasonable to expect they should also consider what is due to me—I have been greatly wronged in my Property, my Manors have been invaded, my Lands entered on at pleasure without any regular method, the Tax granted me not paid; and, notwithstanding I have always been ready to give the Inhabitants their full allowance, according to the Act of Property (so called) pas't at New Castle in the year 1700, yet divers have on their parts, I understand, disputed my Rights; they have shewn themselves so unjust as to covet what they never purchased, that is, their overplus without paying for it,—I will not enter into further particulars: but to settle both them and me in owr respective Rights, I desire the Bill prepared in 1705-6 called an Act for preventing Lawsuits may be passed, according to the amendments made to it, and sent to that House by the Governor and Council, taking at the same time the further advise of my

Commissioners of Property there—This I am sensible will be for their own Advantage in many things—They cannot so directly claim as I can, what is my due, but I am desirous it should be now done, and I hope they will provide for my security in other respects.

I would expect they will not need to be put in mind of the necessity of supporting the Government, whether surrendered or not (for I must again say that's very uncertain,) nor of considering thee as well for thy past service as the present and future: It will also be their Interest, I believe, to settle something certain for the time to come, even tho' I should resign.

Upon what I have here said, you will find it necessary that the Assembly should set to Business, 'till these Affairs be duly compleated.

Pray fail not to recommend to them unanimity and dispatch and let that Government for this time be an Instance, that the People in America are not every where so contentious and full of themselves but that some of them can at some time agree, and see, and pursue their own Good, as becomes reasonable and moderate Men.

Acquaint those of the Lower Counties, that I received both their kind Addresses for the two Years past, and am heartily pleased to see them so well and peaceably inclined —I am not forgetful of what they desire, and would willingly labour it, both for their and my own Interest.

I cannot at present, see any other foundation for an Union but a Surrender—It must be done by the Crown, and the Ministry will not be forward to meddle in it 'till it's in their own hands. I hope, at the same time, to get the Division Line run between me and the Lord Baltimore, that all occasions of Difference may be effectually removed.

Let this letter be laid before the Council, and so much of

it, as thou with them shall think convenient, be communicated to the Assembly, to all of whom (I mean the Council, and both the Assemblies,) I desire to be kindly remembered.

I refer thee to Prints for the public News, and with my particular Regards to thyself I close this from

Thy affectionate and assured Friend,

William Penn.

ERRATUM.

Page 107, thirteen lines from the foot, for 1668, read 1648.